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(replaces 10/01/2014 version)

National Union of Workers

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 89 both inclusive contain a true and correct copy of the registered rules of the National Union of Workers

GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the National Union of Workers

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1 - NAME

The name of the Union shall be "National Union of Workers" hereinafter referred to in these Rules as "the Union".

2 - OBJECTS

The objects of the Union are: -

- (1) to uphold the principle of the combination of labour and to promote, foster and maintain industrial organisation of all workers; to promote and foster the best industrial interests of all members in any matter including amalgamation with any other trade union or organisation, affiliation with any joint body constituted of trade unions or organisations, provided such affiliation is and shall always remain subject to the discretion of the National Council.
- (2) To authorise the National Council and/or Branches to raise funds by contributions, entrance fees, levies, fines, interest from loans and on money lent, interest on bank deposits and/or interest on Commonwealth bonds, debentures, or shares, as may be determined by National Council and/or Branch Committee of management from time to time.
- (3) To secure for the members improved conditions of employment.
- (4) To afford assistance in cases of industrial oppression.
- (5) To obtain for the members a greater share of the product of their labour.
- (6) To assist financially and otherwise persons who have been endorsed by the Australian Labor Party to become members of the Commonwealth and State Parliaments.
- (7) To give power to Branches to take whatever steps they may deem necessary to assist members financially in cases of accident, sickness, death, distress or unemployment.
- (8) To assist members injured in the course of their employment to obtain compensation for the loss sustained as a result of such injuries.
- (9) To assist dependants of members killed in the course of their employment to obtain compensation for loss sustained.
- (10) To permit Branches to afford assistance to members along with other assistance to obtain their own homes.
- (11) To uphold the rights of organised labour, to improve, protect and foster the best interests of its members and to subscribe to and/or co-operate with a policy of improving the cultural and living standards of its members.
- (12) To protect the interests of workers in the regulation of conditions of labour, with the ultimate view of securing to the workers the full value of their labour by the socialisation of industry production, distribution and exchange.

- (13) To promote industrial peace and efficiency by all amicable means, such as conciliation, arbitration or the establishment of permanent Boards.
- (14) To prevent lock-outs and when differences do occur, to obtain their settlement by just and equitable methods.
- (15) To assist, by just and equitable methods, in the settlement of any differences which may arise between the members and their employers.
- (16) To establish a fund or funds for mutual assistance and support for the carrying out of these objects and to foster co-operation where practicable.
- (17) To raise funds by levy for the attainment of these objects.
- (18) To obtain such other objects as National Council may from time to time determine.
- (19) To establish Branches of the Union throughout the Commonwealth and Sub-Branche in each Branch.
- (20) To affiliate, to federate with, or otherwise combine with, any Trade or Industrial Union or association of the Trade Unions or any other organisations having objects in whole or in part similar to the Union.
- (21) To establish funeral and other benefit funds and to pay a funeral benefit on the death of a member.
- (22) To pay affiliation fees to assist financially or otherwise any bona fide Labour or Trade Union organisation or association.
- (23) To establish and manage a Union Journal and Union Website.
- (24) To hold, purchase, lease, mortgage or rent or otherwise deal in property and to invest or place on deposit any funds of the Union.
- (25) To establish, operate and maintain services for health.
- (26) To enter into contracts and raise financial accommodation to secure the repayment thereof for the purpose of furthering directly or indirectly any one or more of these Objects.
- (27) To acquire to undertake, to be concerned in and to dispose of any business or businesses or business or commercial activity or activities which the National Council considers to be conducive to the objects of the Union or to the welfare or benefit of the members of the Union or likely to promote the interests or income of the Union.
- (28) To undertake or be concerned in any activity or activities whether commercial or otherwise which may be conducive to the welfare, health or well-being of members of the Union or of their families.
- (29) To open up regular correspondence with kindred societies in all parts of the world on trade matters.
- (30) To endeavour to reduce the hours of labour by every legitimate way.

- (31) To establish a fund or funds from which to provide superannuation and/or long service leave for all paid officers and employees of the Union.
- (32) To foster co-operation and inculcate harmonious relations between members.
- (33) To assist financial members in enforcing their rights under any law relating to industrial conciliation and arbitration or compensation for illnesses or injuries.
- (34) To secure preference in employment to members.
- (35) To assist financial members or the families of financial members in distress.
- (36) To provide legal and other assistance for the conduct of negotiations or proceedings for the attainment of these objects.
- (37) To provide funds from donations, fines, fees, levies and dues and from interest on capital from which payments may be made for the purposes of any of these objects.
- (38) To invest funds in securities or projects authorised by law for the investment of trust funds.
- (39) To assist other Trade Unions whether in Australia or elsewhere.
- (40) To enter into agreements with other Trade Unions whether in Australia or elsewhere for the mutual advancement, help or aid of each other.
- (41) To protect the welfare of members by ensuring they are provided with a safe and healthy work environment.
- (42) To undertake and do all such acts, matters and things as may be incidental to or conducive to these objects.
- (43) To encourage or initiate whatever may tend to improve the status, training and qualifications of members of the Union.
- (44) To enrol into membership of the Union all employees eligible to become members of the Union.

3 - OBJECTS TO BE OBSERVED

Where any action is taken from time to time and such action conflicts with the objects of the Union the member or members, as the case may be, partaking in the action as a member or members of the Union, may be subject to a change under Rule 67 for failing to observe the rules of the Union and where the action being so taken purports to bind the Union or other members it is invalid and of no binding effect.

4 - DESCRIPTION OF INDUSTRY

The industries in or in connection with which the Union is registered are: -

- (A) There is no Sub-Rule (A).

- (B) (i) Storing and packing goods and merchandise (but not so as to limit the generality of the expression 'Storing and Packing'), the reception, handling, storing, preparing, bottling, packing and delivery of goods and merchandise so far as such reception and/or handling and/or preparing and/or delivery of such goods and merchandise is in any way incidental or ancillary to their storing and packing as above described including the pulping, testing and/or processing of eggs;
- (ii) Preparing horsehair, cowhair or pighair for trade or for sale;
- (iii) Broom making, brush making, mops and/or feather duster making, flock, mungo and/or felt and wadding making;
- (iv) Wool cleaning (by any process except washing, carbonising or scouring);
- (v) Refining, extracting and/or treatment of oil, tar bitumen, tar pitch and road surfacing preparations and/or the making of by-products therefrom;
- (vi) The manufacture of toilet preparations, food preservatives and/or vermin, insect and fungi destroyers;
- (vii) Wholesale and/or manufacturing chemists;
- (viii) 1. Sorting in wool brokers stores, classing of wool, sampling, storing, baling, bagging, packing and despatching of wools, except in shearing sheds, furs, hair, bristles, hides, pelts and skins of animals, provided that in the State of Queensland the industry of wool classing and wool sorting shall be excluded, and further that in the State of Queensland the activities associated with furs, hair, bristles, hides, pelts and skins of animals shall be confined to that portion of the said State as is defined as the South Eastern Division of the State of Queensland.
2. Sorting, classing, grading, sampling, baling, bagging, packing, storing and despatching tobacco leaf in wool brokers establishments, grains, and the seed products of flowers and vegetables for resale.
3. Where carried out by wool or skin brokers or dealers or by hide, pelt, skin, hair, bristles or fur merchants or by brokers or agents of any kind the sorting classing, sampling, baling, bagging, packing, storing and despatching of skins, hides, pelts, wools, furs, or hair of any animal provided that in the State of Queensland the industry of wool classing and wool sorting when so carried out shall be excluded and further that in the State of Queensland the activities associated with furs, hair, bristles, hides, pelts and skins of animals shall be confined to that portion of the said State as is defined as the South Eastern Division of the State of Queensland Storing or Packing in the Commonwealth service.

- (ix) In the State of Queensland reception, storage, and/or packing and/or handling and/or wholesale selling and/or assembling and/or delivering of goods (such as merchandise, soft goods, hardware, spare parts, glassware and crockery, wool, hides, skins, oils and grease, fruit, vegetables, tyres and batteries, paints, boots and shoes, etc.) but not so as to limit the generality of variety of goods to be received, stored, packed, handled, sold, assembled or delivered, in wholesale warehouses, stores yards and factories, wool, hide, skin and wool dumping stores, wharf stores, bond and bulk stores, agricultural produce and egg stores, fruit sections and stores, machinery warehouses and stores, employees other than Engineering Tradesmen and their Assistants in factories where wire fencing, barbed wire, wire weaving and tubular iron gates are sold and manufactured, factories where agricultural and pastoral machinery is assembled, and factories where employees are engaged in repairing, working at, manufacturing, processing, refining, dehydrating, handling, blending, bottling, labelling or packing into tins, jars, cartons or other containers, any such articles as drugs, medicines, chemicals or chemical compounds (such as dyes, rust proofing compounds, etc.), polishing materials (such as boot polish, floor polish, etc.), tar and bitumen, gaskets (other than metal gaskets), dry ice, fruit juice and fruit pulp, smoke coils, starch, rice, self-raising flour, maize meal, oatmeal, breakfast meal, dehydrated potato chips or flakes, macaroni, spaghetti, vermicilli and allied products, farinaceous foods, edible nuts, chicory, tea, coffee, condiments, vinegar, sauce, pickles, disinfectants, turpentine, ammonia, methylated spirits, acids, oil, grease, benzine, kerosene, petrol, honey, lemon squash, lemon juice, fruit cordials, jelly crystals, custard powders, dried fruits, vegetables, lard, pate, veal and tongue, camp pie or other articles or produce butter, cheese or other dairy products, grain sorghum, ham of a like nature and employees engaged in the manufacture or preparation of confectionery, soap, soap powder, washing soda crystals, candles, jams, jellies, preserved fruit, ginger, candied peel and civilian employees engaged in Army, Naval and Air Force establishments and employees engaged in storing and/or packing in spare parts section of motor body and coach making establishments, government and semi-government departments, such as Department of Works and Housing, Civil Aviation, Stores and Transport, Supply and Development, Brisbane City Council Depots and Main Roads Depots.

Provided however, that sub-paragraphs (v) and (vi) shall not operate so as to render eligible for membership in the States of New South Wales and Queensland persons eligible for membership of the Australian Workers' Union; and

- (C) the Rubber Industry; and
- (D) the industry of Sales Representatives and/or Commercial Travellers' i.e. persons employed by a person, firm, company, wholesale warehouseman or partly wholesale warehouseman or by a manufacturer, manufacturer's agent or indent agent, printer, publisher, radio or television station, or advertiser of whatsoever kind, soliciting orders for articles, goods, wares, services, merchandise, materials, or advertising of any kind or promoting sales or orders for articles, goods, wares, services, merchandise, materials and advertising of any kind; and

- (E) The Industry of the calling of foremen within the Commonwealth Public Service, within the Northern Territory Public Service and within Commonwealth Government undertakings; and
- (F) The industry of freezing, refrigerating, ice and ice-cream making, butter-making, cheese-making, oleomargarine making, milk (fresh, dried and/or condensed) bacon and meat preserving and fish, game and poultry industries; and
- (G) Candle, Grain Milling, Soap, Soda and Starch Industries.
- (H) In the State of New South Wales the pastrycooking and biscuitmaking industry, or the manufacture of any goods of which flour or sugar forms a part.

5 - CONDITIONS OF ELIGIBILITY

- (A) There is no Sub-Rule (A).
- (B) The Union shall consist of an unlimited number of employees engaged in, or assisting -
 - (a) The reception, handling, storage, preparation, bottling, packing and delivery of goods and merchandise, and processes and activities incidental or ancillary to such reception, handling, storage, preparation, bottling, packing and delivery including the pulping, testing and/or processing of eggs.
 - (aa)
 1. Sorting in wool brokers stores, classing of wool, sampling, storing, baling, bagging, packing and despatching of wools, except in shearing sheds, furs, hair, bristles, hides, pelts and skins of animals, provided that in the State of Queensland the industry of wool classing and wool sorting shall be excluded, and further that in the State of Queensland the activities associated with furs, hair, bristles, hides, pelts and skins of animals shall be confined to that portion of the said State as is defined as the South Eastern Division of the State of Queensland.
 2. Sorting, classing, grading, sampling, baling, bagging, packing, storing, and despatching tobacco leaf in wool brokers establishments, grains, and the seed products of flowers and vegetables for resale.
 3. Where carried out by wool or skin brokers or dealers or by hide, pelt, skin, hair, bristles or fur merchants or by brokers or agents of any kind the sorting, classing, sampling, baling, bagging, packing, storing and despatching of skins, hides, pelts, wools, furs or hair of any animal provided that in the State of Queensland the industry of wool classing and wool sorting when so carried out shall be excluded and further that in the State of Queensland the activities associated with furs, hair, bristles, hides, pelts and skins of animals shall be confined to that portion of the said State as is defined as the South Eastern Division of the State of Queensland.

- (b) All persons engaged in the process, trade, business or production activity of -
 - (i) Preparing horsehair, cowhair, or pighair for use, production or sale;
 - (ii) Making brooms, brushes, mops and/or feather dusters;
 - (iii) Making flock, mungo, felt or wadding;
 - (iv) Cleaning wool by mechanical or physical means other than by washing, carbonising or scouring;
 - (v) The extraction, refining and treatment of -
 - (a) Oil, whether vegetable or mineral;
 - (b) Tar bitumen, tar pitch and road surfacing preparations;
 - (c) Products from the above materials;
 - (vi) The manufacture of toilet preparations, food preservatives and vermin insect and fungi destroyers.
- (c) All persons engaged in or in connection with the business of a wholesale and/or manufacturing chemist.
- (d) In the State of Queensland the Union shall consist of persons who are employed in or in connection with the reception, storage, and/or packing and/or handling and/or wholesale selling and/or assembling and/or delivering of goods (such as merchandise, soft goods, hardware, spare parts, glassware and crockery, wool, hides, skins, oils and grease, fruit, vegetables, tyres and batteries, paints, boots and shoes, etc.) but not so as to limit the generality of variety of goods to be received, stored, packed, handled, sold, assembled or delivered, in wholesale warehouses, stores yards and factories, wool, hide, skin and wool dumping stores, wharf stores, bond and bulk stores, agricultural produce and egg stores, fruit sections and stores, machinery warehouses and stores, employees other than Engineering Tradesmen and their Assistants in factories where wire fencing, barbed wire, wire weaving and tubular iron gates are sold and manufactured, factories where agricultural and pastoral machinery is assembled, and factories where employees are engaged in repairing, working at, manufacturing, processing, refining, dehydrating, handling, blending, bottling, labelling or packing into tins, jars, cartons, or other containers, any such articles as drugs, medicines, chemicals or chemical compounds (such as dyes, rust proofing compounds, etc.), polishing materials (such as boot polish, floor polish, etc.), tar and bitumen, gaskets (other than metal gaskets), dry ice, fruit juice and fruit pulp, smoke coils, starch, rice, self-raising flour, maize meal, oatmeal, breakfast meal, dehydrated potato chips or flakes, macaroni, spaghetti, vermicilli and allied products, farinaceous foods, edible nuts, chicory, tea, coffee, condiments, vinegar, sauce, pickles, disinfectants,

turpentine, ammonia, methylated spirits, acids, oil, grease, benzine, kerosene, petrol, honey, lemon squash, lemon juice, fruit cordials, jelly crystals, custard powders, dried fruit, vegetables, lard, pate, veal and tongue, camp pie or other articles of produce, butter, cheese or other dairy products, grain, sorghum, ham, of a like nature, and employees engaged in the manufacture or preparation of confectionery, soap, soap powder, washing soda crystals, candles, jams, jellies, preserved fruit, ginger, candied peel, and civilian employees engaged in Army, Naval and Air Force establishments, and employees engaged in storing and/or packing in spare parts section of motor body and coach making establishments, government and semi-government departments, such as Department of Works and Housing, Civil Aviation, Stores and Transport, Supply and Development, Brisbane City Council Depots and Main Roads Depots, such persons having made application to join the Union and been admitted as members thereof.

The Union shall also include employees in the service of the Commonwealth Service of Australia engaged in or in connection with, or assisting in any way whatsoever in the reception, handling, storage, packing, preparation, delivery and general distribution of goods, also such other persons who are designated temporary assistant armourers.

Provided however, that sub-paragraphs (v) and (vi) of (b) shall not operate so as to render eligible for membership in the States of New South Wales and Queensland persons, eligible for membership of the Australian Workers' Union.

- (C) The Union shall also consist of all persons engaged in or in connection with the manufacture or repair of rubber goods of every description in the Commonwealth or goods comprising rubber components or constituents; in the manufacture of substitutes for rubber or any kinds of linos; in the insulating of cables or similar articles or the impregnating insulating or spreading all classes of fabric (including leathercloth) with rubber or substitutes therefor; in the manufacture of duperite bakerlite xylonite celluloid or similar compositions or substitutes therefor.
- (D) The Union shall also consist of an unlimited number of employees in the industry of the craft occupation of Commercial Traveller.

For the purpose of these Rules, "commercial traveller" shall mean a person employed in or for the purpose of soliciting orders or promoting business of whatsoever kind of conducting market research and inquiry and without limiting the ordinary meaning of the foregoing shall include:-

(1) persons employed -

- (a) for the purpose of soliciting orders for, or selling, articles, goods, wares, merchandise or material -
 - (i) for wholesale sale; or
 - (ii) for resale; or
 - (iii) for use in or in connection with the production and/or preparation and/or distribution of commodities for sale;
or
 - (iv) in bulk quantities;
- (b) soliciting orders for, or selling -
 - (i) theatre screen advertising space; or
 - (ii) advertising space in newspapers, journals, periodicals, howsoever described; or
 - (iii) advertising time on television transmission or radio broadcasts;
or
 - (iv) the sale and/or hiring of neon signs or other illuminated advertising media; or
 - (v) docket, docket books or business machines, supply rolls for internal use by the wholesale or retail trade; or
 - (vi) office stationery and office supplies from banks, municipal and/or shire councils, insurance offices or government departments; or
 - (vii) electrical typewriters, mechanical filing, accounting and book-keeping systems and the like, cash registers and similar mechanical equipment; or
 - (viii) poker machines, games of chance; or
 - (ix) glassware and mechanical and/or electrical equipment in connection in connection with the bar trade; or
 - (x) farm and trade machinery and equipment (excepting persons employed in the sale of such goods by retail); or

- (xi) building material and supplies from building, tiling, painting, plumbing, glazing or electrical contractors; or
 - (xii) technical or commercial services; or
 - (xiii) the freighting or transportation of persons, animals, articles, goods, wares, merchandise or materials; or
 - (xiv) services or planning, invoicing, computing, cleaning, safety, catering, cafeteria or maintenance nature; or
- (c) soliciting orders on behalf of printers, manufacturing stationers, paper manufacturers and paper importers (excepting persons employed in the sale of goods by retail away from the employer's place of business);
 - (d) introducing drugs and medicinal supplies and/or instruments to medical, veterinary and/or dental practitioners and/or hospitals;
 - (e) buying for some person, firm or company engaged in wholesale business for resale in any form.
- (2) persons employed in the market research industry.
- (3) the following classes of persons shall be excluded from the classes of persons eligible for membership of the Union by reason only of Rule 5(D) hereof:
- (a) persons employed in the gas industry who are eligible for membership of The Gas Industry Salaried Officers Federation;
 - (b) persons employed in the shipping industry who are eligible for membership of Australian Shipping Officers Association;
 - (c) persons employed in the insurance industry who are eligible for membership of The Australian Insurance Employees' Union;
 - (d) persons employed in or in connection with the business of wool selling brokers who are eligible for membership of Wool Brokers Staffs Association;
 - (e) persons engaged in or in connection with the transport industry whether by land, water (except sea) or air who are eligible for membership of Australasian Transport Officers Federation;
 - (f) persons eligible for membership of the Public Service Association of New South Wales;

- (g) persons eligible for membership of CPSU, the Community and Public Sector Union:
 - (i) pursuant to Rule 2, Part II of the CPSU rules; or
 - (ii) pursuant to Rule 2, Part I, sub-rule A.1 (i)(a), (b), (c), (d), (e), (f) and/or sub rule A1(iv) of the CPSU rules, with the exception of employees of the ACTEW/AGL Customer Service Call Centre; or
 - (iii) pursuant to Rule 2, Part 1, sub-rule O of the CPSU rules; or
 - (iv) who are employed or engaged by the contract call centre providers Teletech or Stellar or any company related to Teletech or Stellar within the meaning of the Corporations Act 2001.
- (ha) persons employed wholly or substantially in a clerical and/or administrative capacity, excluding persons employed in classifications appearing in the Market Research Industry - Consolidated - Award 2003 [AW827717] and/or the Market and Business Consultancy Services - Roy Morgan Research - Award 2002 [AW809520] as varied from time to time.
- (hb) persons at the employer's place of business, employed to solicit donations and or sponsorship and or membership, and or engaged in other fundraising other than the sale of goods or services for commercial profit, excluding persons employed in telemarketing activities by the Royal Society for Prevention of Cruelty to Animals Incorporated in the State of Victoria.
- (i) persons employed in the printing industry who are engaged wholly or substantially in soliciting orders for articles, goods, wares, services, merchandise, materials or advertising of any kind from the place of business of the employer where such persons hold a qualification specifically related to the printing industry and/or where such persons who perform duties in soliciting orders as described above as part of a career path related to or as part of a career path in the printing industry;
- (j) persons employed in the printing industry wholly or substantially engaged in retail or wholesale selling at the employer's place of business except where the employee solicits orders via telephone or other electronic means or any combination thereof.
- (k) persons employed in or for the purpose of soliciting orders for goods in or for any retail operation except:
 - (i) where the employee is employed substantially away from the employer's place of business; or

- (ii) where the employee is principally employed in soliciting orders via telephone or other electronic means or any combination thereof and the soliciting of orders is neither directly related to the retail operation or an extension of activity performed by employees employed in the retail operation.
- (l) persons employed in retail shops including employees who solicit orders and/or promote the business of their employer as part of their ordinary duties and the performance of such activities is incidental and/or ancillary to the performance of duties as an employee employed in or for any retail operation or retail shop.

Provided that the above exclusions shall apply only to Rule 5(D) hereof.

- (E) The Union shall also consist of persons employed as:-

Foremen, Forewomen, Store Supervisors and Transport Supervisors in the Department of Defence (Naval Establishments) Department of Administrative Services, Department of Productivity, Munitions Factories, Australian Department of Construction and Clothing Factories throughout Australia, where such Establishment and/or Factories are carried on by the Australian Government, and all foremen at all Government undertakings, including Australian National Airlines Commission and the Northern Territory Public Service.

Provided that line foremen, any foremen artisans or foremen storemen in the Postmaster-General's Department, foremen printers, foremen storemen in Army or R.A.A.F. Ordnance Stores or employed by Australian National Airlines Commission, foremen gardeners at Flinders Naval Depot, foremen mechanics (Lighthouse) and any foremen employed in the Commonwealth Railways, shall not be eligible for membership.

Provided that the above exclusions shall apply to classes of persons eligible for membership of the Union by reason only of Rule 5(E) hereof.

- (F) The Union shall consist of an unlimited numbers of persons employed in or in connexion with freezing, refrigerating, ice, ice cream, butter, cheese, milk (fresh, dried and/or condensed), bacon, oleomargarine, and meat preserving factories, employees in retail dairymen's establishments (other than employees in those establishments whose work in the main comprises the work of carters and drivers or their assistants stablemen loaders or collectors of money or watchmen) or in or in connexion with the fish, game and poultry industry, but excepting engine drivers, firemen and greasers, engineering mechanics, electrical trades employees and persons employed in any clerical capacity or solely as salesmen or saleswomen in dairies. Provided that the above exclusions shall apply to classes of persons eligible for membership of the Union by reason only of Rule 5(F) hereof.

- (G) (i) The Union shall consist of persons who are bona-fide employees, wholly or partly engaged in any capacity in the manufacture or preparing for sale of (a) candles, (b) soap, soap powders and extracts, soda, (c) starch, (d) blue (washing), boot blacking, boot polish, boot paste, boot stains, black lead, charcoal, coal dust, cloudy ammonia, dubbo, ebonite shine, furniture polish, glycerine, greases, harness dressing, harness compounds, ink, knife polish, kindlers, linoleum and oilcloth polish, metal polish, moulders' blacking, oils, phenyle, plumbago preparations, stove polish, vaseline, (e) condiments and cereal foods, and all other articles, goods and preparations usually or commonly known as Grocers' sundries including arrowroot, baking powder, barley, bicarbonate of soda, bird seed, borax, brose meal, caraway seeds, cassia, castor sugar, chicory, chicorine, chillies, chocolate, cinnamon, citric acid, citron peel, cloves, cocoa, coffee, coffee essence, coriander seed, cornflour, cornina, cream of tartar, cummin seed, curry powder, custard powder, copras oils, condensed milk, dessicated coconut, digestive meal, epsom salts, fennel, fenugreek, flavouring essences, graham flour, groats, ginger, haricot beans, hommell, hemp seed, icing sugar, jellies, lemon peel, lentils, linseed, linseed meal, macaroni, mace, magnesia, meal wheat, malt preparations, maize meal, millet seeds, mustard, nutmegs, oatmeal, oats, orange peel, peas, pepper, pimento, patent foods, rape seed, rice, sago, sago flour, self-raising flour, spices, semolina, sulphur, tapioca, tartaric acid, vermicelli, (f) matches and matchboxes, (g) glucose and all products of maize and all other similar or allied preparations, goods and articles to any of the abovementioned preparations, goods or articles.
- (ii) Other than in the Northern Territory and the State of Queensland, all persons engaged in any capacity in or in connection with the Grain Milling Industry.
- (H) (a) For the purpose of this Sub-Rule the following definitions shall apply:
- (i) "Administrative clerk" means any clerk employed in budgeting, costing, accounting and allied functions, preparation of payrolls, clerical work associated with purchasing, banking of monies, typing or secretarial work, stenography, and in the performance of those functions shall include the operation of telex, facsimile, accounting or calculating machines, computers, and other equipment used in connection with electronic data processing and operators of switchboards, and persons employed in a clerical capacity for the keeping and maintenance of general administrative records.
- (ii) "Container depot" means an area and building authorised by Customs Authorities for the examination of goods on landing at which containers, pallets and flats are unpacked, the contents sorted and prepared for delivery or stored, and for the receipt, delivery and storage of containers, and at which loose goods or packages are received and stored into containers or onto pallets and flats, or otherwise handled or stored.

- (iii) "Employees" means that class or group of employees being:
- (a) employees engaged or assisting in the work of handling, storing, preparing, packing or despatching goods or merchandise or work on or in connection with the loading or unloading, stacking, moving or sorting of such goods and merchandise in or about container depots, including the operation of equipment necessary to move containers or goods and any equipment required to clean the premises or containers, and including clerical work, but excluding the work of an administrative clerk and work of a supervisory nature; employees engaged in watching, guarding or protection duties in or about container depots;
 - (c) employees performing the work of a qualified trades person, or any combination of work specified in sub-paragraphs (a), (b) and (c).

- (b) For the purpose of this Sub-Rule the employers and the specified container depots operated by the employers are as follows:

EMPLOYER	CONTAINER DEPOT
National Terminals Aust. Ltd	East Swanston Dock Vic Port Botany NSW
Conaust Limited	McKenzie Road West Swanston Dock Vic Rozelle NSW Gillman SA
F.G. Strang Pty Ltd trading as Strangtainers	Footscray Vic
Western Packing Pty Ltd trading as Cargo Distributors	Footscray Vic
Port Botany Container Depot Pty Ltd	Banksmeadow NSW
Seatons Container Freight Station Pty Ltd	Camellia NSW
Brisbane Cargo Services Pty Ltd operating as Brisbane Amalgamated Terminals Limited	Fishermans Island
Macpak Pty Ltd	Hemmant Qld

Rivers Trading Company Cargo Pty Ltd trading as Rivers Trading Company	Nudgee Qld
Interport (Brisbane) Pty Ltd	Hamilton Qld
Charlick Operators Pty Ltd trading as Austainer Services	Gillman SA
Terminal Properties of Australia Pty Ltd trading as Freightbases	Gillman SA
Fremantle Port Authority	North Quay Fremantle WA
Fremantle Terminals Limited	North Quay Fremantle WA

- (c) For the purpose of this Rule the employees, as defined in sub-paragraph 5(H)(a)(iii) hereof, of each of the employers specified in paragraph 5(H)(b), where those employees are employed at the specified container depots in respect of each employer, shall not be eligible for membership of the Union.
- (d) Nothing in this Sub-Rule shall limit or affect the right of the Union to enrol employees employed by an employer specified in paragraph (b) herein and not employed at a container depot specified in that paragraph.
- (HA) In the State of New South Wales the Union shall also consist of persons who are employed or competent to be employed in the pastrycooking or biscuitmaking industry, or the manufacture of any goods of which flour or sugar forms a part.
- (I) Without limiting the scope of Sub-Rules (B), (C), (H) and (N), the Union shall also consist of all persons who are employed by employers engaged in or in connection with:
- (i) the manufacture and distribution of cables and other conductors for the transmission of energy, or
 - (ii) processes connected with or incidental to such manufacture and distribution,
- excluding persons whose principal work is ancillary to the work of tradesmen howsoever classified, and excluding persons employed by:
- (1) Pacific Dunlop Limited, Olex Cable Division at Geebung Queensland;
 - (2) Metal Manufactures Limited trading as Pyrotenax;

- (3) Metal Manufactures Limited MM Metals Division at Port Kembla, New South Wales;
 - (4) Metal Manufactures Limited MM Cables Division at Port Kembla, New South Wales;
 - (5) Pacific Dunlop Limited, National Cables Division trading as Spinaway Cables at Wetherill Park, New South Wales; and
 - (6) Metal Manufactures Limited in its management of Optical Waveguides Australia Ltd at Noble Park Victoria.
- (J) Notwithstanding anything to the contrary contained in this Rule, but subject to Sub-Rule (M), any person who is a member, staff member or special member of the Australian Federal Police is not eligible for membership of the Union.
- (K) Notwithstanding anything to the contrary contained in this Rule, but subject of Sub-Rule (M), persons who are employed in paint manufacturing and/or distribution by:
- (a) I.C.I. Australia Operations Pty. Ltd. in the operations of Dulux Australia at its sites at Rocklea Qld., Cabarita and Padstow N.S.W., Clayton Vic. and O'Connor W.A. or within the Northern Territory or the A.C.T.;
 - (b) Taubmans Pty. Ltd. at its sites at Villawood N.S.W., Yeronga Qld., Sunshine Vic. and Perth W.A. or within the Northern Territory; or
 - (c) Wattyl Limited, Wattyl (NSW) Limited, Wattyl (Qld) Pty Ltd, and Wattyl (SA) Pty Ltd, at all sites of those companies;
- shall not be eligible for membership of the Union.
- (L) There is no Sub-Rule (L)
- (M) Provided that Sub-Rules 5(H), (J) and (K) shall operate only so as to exclude from eligibility for membership of the Union persons otherwise eligible under Sub-Rules 5(B) and (C) hereof. Sub-Rules 5(H), (J) and (K) have no application to persons eligible for membership under Sub-Rules (A), (D), (E), (F), (G), (I), (N) and (L).
- (MA) All persons employed within on-airport tax free and duty free operations, within international terminals, throughout the Commonwealth of Australia.
- (N) The Union shall also consist of such other persons whether engaged as aforesaid or not who are:-
- (a) elected officers of the Union; and
 - (b) appointed officers of the Union.

6 - NATIONAL OFFICE - LOCATION

The National Office of the Union shall be located in Melbourne in the State of Victoria unless otherwise determined by National Council in accordance with Rule 65.

7 - NATIONAL COUNCIL - COMPOSITION

- (1) The National Council of the Union shall be composed of -
 - (a) General Secretary;
 - (b) General President;
 - (c) General Vice Presidents;
 - (d) Assistant General Secretary;
 - (e) Delegate or delegates representing a Branch determined in accordance with this Rule (provided further that the first delegate for each Branch shall be the Branch Secretary).
 - (f) Where a Branch Secretary also holds the office of General President or General Vice President such Branch shall be entitled to an additional delegate who shall be the reserve delegate of the Branch.
- (2)
 - (a) Subject to Sub-Rule 2(c) of this Rule the total number of delegates representing Branches pursuant to Sub-Rule 1(e) of this Rule to be elected each four years in accordance with Rule 13 shall be four times the total number of National officers pursuant to Sub-Rule 1(a) to 1(d) of this Rule as at 1 March in the year of the election.
 - (b)
 - (i) In order to determine the number of delegates pursuant to Sub-Rule 1(e) of this Rule a Branch is entitled to, the following formula shall apply:

Total Contribution Received by a Branch divided by Total Contributions Received by all Branches multiplied by Total Number of National Council Branch Delegates pursuant to Sub-Rule (2)(a) of this Rule.
 - (ii) The General Secretary shall by the 31 March (or if that day falls on a public holiday or a weekend, the next working day thereafter) in the year of an election held pursuant to Rule 13 hereof, advise the General Returning Officer of the number of National Council delegates each Branch is entitled to in accordance with this Rule and based upon total contributions received by a Branch and forwarded pursuant to Rule 63 the amount as shown in the Branch statement of receipts and expenditure pursuant to Sub-Rule 33(d) for the financial year ending 30 June in the year preceding the election.

- (iii) For the purpose of rule 7(2)(b)(i) the contributions contributed to the National Fund by members of the General Branch are deemed for the purposes of the formula to be the contribution received by the General Branch.
 - (iv) The General Secretary shall by the 31 March (or if that day falls on a public holiday or a weekend, the next working day thereafter) in each year between elections held pursuant to Rule 13, calculate the number of National Council delegates each Branch would be entitled to. This calculation shall be made in accordance with the formula contained in this Rule and based upon contributions received in respect of the preceding financial year. In the event of any adjustments being required to be made to any Branches entitlement to National Council Delegates in the years between election years because of this calculation, the Branch Committee of Management of the Branch affected shall determine the identity of the Delegates (or Delegates as the case may be) who is (or are) to be added to or subtracted from the number of Delegates to represent the Branch.
- (c) A Branch's entitlement to National Council delegates shall be expressed as a whole number, any fraction on or above 0.5 shall be rounded up, any fraction below 0.5 shall be rounded down.
- (d) Notwithstanding anything contained in this Rule each Branch shall be entitled to at least one delegate to National Council.
- (e) If, as a consequence of the process applied herein the number of delegates representing Branches pursuant to Rule 7(1)(e), exceeds the maximum number of such delegates provided for in Rule 7(2)(a), the larger number of such delegates shall be deemed to comply with Rule 7(2)(a).

8 - NATIONAL COUNCIL - POWERS

- (A) The supreme control of the Union is vested in the members of the Union. Subject thereto, the supreme control vested in the members shall be exercised on their behalf by the National Council which shall have the general control and conduct of the business of the Union and in addition to the powers conferred elsewhere upon National Council in the Rules without limiting the foregoing the powers of the National Council shall include the following:-
- (a) To direct the policy of the Union in all matters affecting the interests of the members.
 - (b) To repeal, alter, amend, revise, rescind or add to these Rules and interpreting any Rule or Rules subject of disputation and administering the Rules for the general benefit of the members.

- (c) Disbursement of the funds of the Union to give effect to the objects of the Union.
 - (d) Resolving or causing to be resolved all matters submitted to it by Branches.
 - (e) To establish Branches and to arrange for Branches to amalgamate one with another and to allocate to Branches the territory within which they respectively shall operate and to transfer members from Branch to Branch and to close or disband any Branch or Branches, subject to the provisions of Rules 46(D).
 - (f) To arrange a plebiscite of members and to appoint a General Returning Officer, who shall conduct any plebiscite upon any question submitted to members for determination with the assistance of such Deputy General Returning Officer as he may appoint.
 - (g) Subject to any express Rule to the contrary, to fix or cause to be fixed the salaries and/or honorariums (if any) of the officers and employees within the Union.
 - (h) To appoint or cause to be elected delegates or representatives to bodies to which the Union is associated.
 - (i) To do all such acts as are incidental to the carrying out of the objects and powers of the Union.
 - (j) To direct any Branch or any holder of any office in the Union or any member or employee of the Union to take any action for the purpose of ensuring any payment into the National Fund.
- (B) (a) Any Branch which fails to observe any Rule or give effect to any decision of the National Council or National Committee of Management, shall cease to have representation on the National Council or National Committee of Management until such Rule is observed or such decision is given effect to or a satisfactory explanation has been accepted by resolution of the National Council or National Committee of Management.
- (b) The National Council or National Committee of Management is empowered to disband a Branch which fails to observe any of the Rules of the Union or fails to give effect to any decision of the National Council or National Committee of Management or by resolution acts contrary to law or the Branch Committee of Management for any reason failed to carry out its obligations or ceases to exist.

In the event of the exercise of this power, the National Council or National Committee of Management shall take the following steps, as soon as conveniently possible thereafter, for the re-constitution of a Branch within the State or Territory affected.

Such steps shall include the -

- (i) Appointment of temporary Officers to protect and cater for the industrial interests of the members in the State or Territory affected, pending reconstitution of a Branch.
 - (ii) Appointment of a Trustee or Trustees to take over all moneys and properties of any kind held by the disbanded Branch, pending reconstitution of a Branch in the State or Territory affected.
 - (iii) Calling of a meeting of the members in the State or Territory affected.
- (c) Subject to Rule 8B(d) no action taken under the provisions of Rule 8B(b) shall in any way affect the membership of members attached to a Branch at the time when the Branch is disbanded.
- (d) Notwithstanding the provisions of Rule 8B(b) or anything to the contrary elsewhere in the Rules, in the event of the exercise of the power to disband a Branch pursuant to the said Rule 8B(b), the National Council or National Committee of Management may determine not to constitute the disbanded Branch but to attach the members of the Union residing in the area of the disbanded Branch to another Branch. The National Council or National Committee of Management may so determine if it considers that this will provide an appropriate means for the members of the Union residing in the area of the disbanded Branch to participate in the affairs of the Union and will promote the efficient management of the Union.

The members of the Union residing in the area of the disbanded Branch shall thereupon be deemed to be members of the other Branch for all purposes of the Rules. The National Council or National Committee of Management may alter the name of the other Branch to include a description of the area of the disbanded Branch.

The funds and property of the disbanded Branch shall thereupon be transferred to and be under the management and control of the other Branch in accordance with the Rules.

Additional members of the Committee of Management of the other Branch shall be elected by and from the members of the Union residing in the area of the disbanded Branch as soon as practicable in accordance with Rule 13 with the necessary changes. Such additional members shall hold office in accordance with the Rules until the next ensuing ordinary election in the other Branch. Pending their election National Council or National Committee of Management may appoint Additional Members from the members of the Union residing in the area of the disbanded Branch to act until the completion of the election. The number of such Additional Members shall be determined by National Council or National Committee of Management having regard to the relative number of members of the Union residing in the area of the disbanded Branch.

National Council or National Committee of Management shall make all such consequential decisions as are necessary.

(C) Notwithstanding anything elsewhere contained in these Rules:

1. In the event that the National Council or National Committee of Management finds that:-
 - (a) a Branch officer has, or Branch officers have, refused or failed to observe any rule; or
 - (b) a Branch officer has, or Branch officers have, refused or failed to give effect to any lawful resolution or direction of the National Council or the National Committee of Management

the National Council or National Committee of Management may, by resolution, suspend any Branch officer or officers for a period up to twelve (12) months and if all members of the Branch Committee of Management are so suspended, may appoint some financial member of the Union to administer the Branch during the period of suspension.

2. No finding under sub-rule (1) may be made unless:-
 - (a) the allegations of failure to observe or give effect to the rule, resolution or direction has been specifically brought to the notice of the party or parties concerned;
 - (b) the failure or refusal to comply has persisted after such notification;
 - (c) an inquiry has thereafter been held by the National Council or National Committee of Management for the purposes of determining whether a finding under sub-rule 8(C)1, hereof should be made at which inquiry all Branch Committee of Management members or officers, the subject of relevant allegations are entitled to be heard;
 - (d) reasonable notice has been given to all Branch Committee of Management members or officers concerned of the hearing and of the specific allegations;
 - (e) the refusal or failure to comply is found to amount either to:-
 - (i) a substantial breach of the rules of the Union;
 - (ii) gross misbehaviour;
 - (iii) gross neglect of the duty by the officer or officers concerned; or
 - (iv) a misappropriation of the funds of the Union or the Branch.

3. Any paid officer suspended pursuant to this rule shall continue to be paid during the period of such suspension.

9 - NATIONAL COUNCILLORS - CREDENTIALS

Delegates to National Council shall be provided with proper credentials certified by the President and Secretary of the Branch represented. In the event that a National Council delegate is either unable or unwilling to attend National Council or any part thereof, the Branch for which the delegate is a representative may appoint a proxy National Council delegate other than an existing delegate, provided that the person so appointed is eligible to nominate for the office of a National Council delegate.

10 - NATIONAL COUNCIL - MEETINGS

Ordinary Meetings

- (a) The National Council shall meet every second year at such place as the majority of the National Council may determine.

For the purpose of the implementation of this rule, the next meeting of the National Council will be in 2006.

Extraordinary Meetings

- (b)
 - (i) Extraordinary meetings of National Council may be convened by the General Secretary to consider any matter or matters which he considers sufficiently important to warrant the holding of an extraordinary meeting of the Council; or
 - (ii) An extraordinary meeting of the National Council shall be convened by the General Secretary upon the request of one third of all Branches provided that the request be transmitted to him stating the matters for consideration by National Council and furnishing copies of resolutions carried by members in meetings of each of the Branches making the request and provided further that if such request be received by the General Secretary within three months of the time at which the National Council in the ordinary course will meet it shall not be obligatory on the General Secretary to comply with the request provided that the General Secretary shall then call a meeting pursuant to Sub-Rule (c) of this Rule.

Telephonic Meetings

- (c) The General Secretary, during the intervening period between meetings of the National Council may call a meeting of the National Council, to be conducted by telephone, radio, or any other method by which members of the National Council are able to communicate orally with each other without being physically present.

Notice of Meetings

- (d) The General Secretary shall by letter, telex, facsimile or similar mode, notify within a reasonable time every member of the National Council of the date, time and place or mode fixed for any meeting of National Council at his last known address.

11 - NATIONAL COUNCIL - AGENDA

- (a) The General Secretary shall compile an agenda for meetings of National Council and place thereon matters submitted by Branches, the General Secretary and the Assistant General Secretaries.
- (b) Agenda items in accordance with Sub-Rule (a) of this Rule, shall be forwarded to the General Secretary at least six weeks before the date fixed for the commencement of the forthcoming meeting of Council.
- (c) The General Secretary shall forward to each Branch and each delegate representing a Branch at National Council a copy of the agenda for National Council not less than one month before the meeting of Council where practicable otherwise he shall forward such copy to each Branch as soon as the Agenda has been prepared.
- (d) Where the National Council by reason of its opinion of the nature of any matter determines to deal with such matters not on the agenda, no resolution, decision or direction of the Council on the matter shall be invalidated by reason merely of the non-appearance of the matter on the agenda.

12 - NATIONAL COUNCIL - VOTING

- (a) Subject to Rules 10(c) and 52, voting on all questions before National Council shall be by show of hands.
- (b)
 - (i) Each member of National Council shall have one vote only.
 - (ii) Where a Branch Secretary also holds the office of General President or General Vice President he shall not have a vote as Branch Secretary but shall have one vote only as General President or General Vice President as the case may be.
- (c) The person presiding at any National Council meeting shall have one vote only, namely a deliberative vote and all questions where the voting is equal shall be decided in the negative.
- (d) Should any delegate at a meeting refuse or fail to exercise a vote his vote shall be recorded in the affirmative.

13 - ELECTIONS AND APPOINTMENT AND DUTIES OF GENERAL RETURNING OFFICER

General Returning Officer

- (a) The National Council shall appoint a person not necessarily a member of the Union to be General Returning Officer for the Union. The General Returning Officer shall not be the holder of any office within or an employee of the Union.
- (b) Subject to section 210 of the Industrial Relations Act 1988, the duties of the General Returning Officer shall be to conduct in accordance with the Rules including the acceptance or the rejection of nominations any election, ballot or plebiscite of members required under the Rules or which he has been directed by National Council of the Union to conduct.
- (c) The General Returning Officer in the discharge of his duties must conform to the requirements of the Industrial Relations Act 1988 and the Regulations thereunder and shall conduct every election, ballot or plebiscite under a system of voting which provides for the secrecy of the ballot and makes adequate provision for absent voting.
- (d) The election shall be conducted under the "First past the post" voting system. The position of all candidates' names on the ballot paper shall be drawn for.
- (e) The following provisions shall also apply to the General Returning Officer and his duties:
 - (1) The General Returning Officer shall have full control of the ballot and may appoint Deputy General Returning Officers in each Branch to assist him each of whom shall not be the holder of any office within, or an employee of, the Union.
 - (2)
 - (a) The Branch Secretary of each Branch shall forward to the General Returning Officer a roll or rolls of the Branch containing the names and addresses of each financial member of the Union as at seven days prior to the date determined for the opening of nominations and entitled to vote in accordance with the Rules of the Union. The General Returning Officer shall take such steps as he deems necessary to check the accuracy of such rolls.
 - (b) The Branch Secretary shall notify the General Returning Officer promptly of any changes in the roll or rolls to correct errors in the roll after the date of closure of the roll.
 - (3) Consistent with the Rules of the Union he shall fix the date of the opening of the ballot and the date of the closing of the ballot and decide the place, preferably a post office box, to which completed ballot papers are to be returned.

- (4) The General Returning Officer shall cause members to be advised of the closing date, place and method of nominations by:-
 - (a) Advising Branch Secretaries in writing.
 - (b) Advertising in any Journal or Newsletter produced by the National Council for distribution to members.
 - (c) Advertising in a daily newspaper circulated in the capital city of all states where a Branch of the Union exists.
- (5) Nominations shall open on the first working day in the month of May and the closing date shall be the last Friday in the month of May at 12 noon. Nominations shall be in writing and signed by the candidate and two financial members of the Union.
- (6) Subject to these Rules, Delegates representing Branches on National Council and the Reserve Delegates of each Branch pursuant to Rule 7(1)(f) shall be elected by and from the financial members of each Branch in accordance with these Rules each four years.
- (7) Subject to these Rules:-
 - (i) Branch officers shall be elected by and from the financial members of the relevant Branch in accordance with these Rules each four years;
 - (ii) The General Secretary, General President, General Vice Presidents and Assistant General Secretary shall be elected by and from the financial members of the Union in accordance with these Rules each four years;
- (8) Subject to these Rules, each member of a Sub-Branch Executive Committee shall be elected by and from the financial members of the relevant Sub-Branch in accordance with these Rules, each four years.
- (9) Subject to these Rules, Branch Organisers shall be elected by and from financial members of the relevant Branch in accordance with these Rules each four years.
- (10) Subject to these Rules, Branch Committee Members shall be elected by and from financial members of the relevant Branch in accordance with these Rules each four years.
- (11) In the event of any nomination being defective in any way the General Returning Officer shall advise in writing by registered post the person concerned of the defect and where practicable give him seven days in which to correct same.

- (12) If for any reason the person concerned so advised fails to remedy such defect as requested the General Returning Officer shall exclude such person from the ballot.
- (13) Where the nomination or nominations for any position or positions does not exceed the number required to fill such vacancy or vacancies after nominations have been closed the General Returning Officer shall declare without the taking of a ballot such person or persons elected and he or they shall take office on the sixth day of September in the year of the election.
- (14) If within 28 days after the closing date for nominations a person who has nominated seeks to withdraw the nomination the General Returning Officer shall allow such nomination to be withdrawn.
- (15) Within seven days where practicable of the close of nominations the General Returning Officer shall advise each nominator of the acceptance by him of the nomination together with the names of all candidates for the position.
- (16) No member shall nominate for more than one office in the election of the National Council officers and Delegates representing Branches and the Reserve Delegates.
- (17) No member shall nominate for election to more than one full time salaried office within the Union.
- (18) No member shall nominate for more than one office in the election of Branch officers, Branch Committee Members and Branch Organisers.
- (19)
 - (a) Any member who contravenes the provisions of Sub-Rules (16), (17) or (18) of this Rule 13(e), shall forthwith be requested in writing by the General Returning Officer to notify the General Returning Officer in writing which one of the offices he wishes to nominate for.
 - (b) If such member fails to so notify the General Returning Officer within seven days of the General Returning Officer's request, no such nominations shall be accepted by the General Returning Officer.
- (20) Subject to these Rules the ballot shall be by secret postal ballot and open on the first of August and close on the 21st of August in every fourth year. Provided that if either the opening or closing day for the ballot is a weekend or a public holiday such day shall be redesignated to the next ordinary working day.
- (21) The names and addresses of all members of the Union, financial in accordance with the Rules shall form a roll of voters. The closing date for the roll of voters shall be seven days prior to the date determined for the opening of nominations.

All members of the Union on the roll of voters at the date of its closure, shall be eligible to vote for all National offices of the Union and in the election of officers of his or her Branch.

- (22) The General Returning Officer shall cause members to be advised of their entitlement to vote in the election and the time and place where Branch roll or rolls may be inspected for the purpose of any member ensuring his enrolment for entitlement to vote in such election by:-
- (a) Advising Branch Secretaries in writing.
 - (b) Advertising in any Journal or Newsletter produced by the National Council for distribution to members.
 - (c) Advertising in a daily newspaper circulated in the capital city of all states where a Branch of the Union exists.
- (23) The General Returning Officer shall cause to be forwarded by prepaid post to each member eligible to vote a sealed envelope containing a ballot paper or papers with instructions to place a cross (x) opposite the name of each candidate for whom the member wishes to vote and notification of the date on which the ballot closes together with a declaration envelope and an envelope addressed to the returning officer for the return of the completed ballot paper. Ballot papers are to be returned by post.
- The reference in this sub-rule to a declaration envelope and an envelope addressed to the Returning Officer shall be taken as a reference to a declaration envelope and a prepaid envelope in the form prescribed in Schedule 1B of the Workplace Relations Act 1996 and the Workplace Regulations (Registration and Accountability of Organisations) Regulations.
- (24) The General Returning Officer shall arrange for the printing of the ballot papers keep a record of the number received from the printer, the number forwarded to members and the placing of an identifying mark on the ballot papers.
- (25) On the closing of the ballot, in the presence of the Scrutineers, if any the General Returning Officer shall count the ballot and record the total votes polled, the number for and against the matter submitted to ballot and the number of informal votes cast.
- (26) Having ascertained the result of the ballot the General Returning Officer shall as soon as practicable declare same in writing to the General Secretary, Branch Secretary and candidates.
- (27) Subject to the Industrial Relations Act 1988 the decision of the ballot shall be final and binding upon the Union and all members.

- (28) After the ballot has been duly declared by the General Returning Officer he shall place all ballot papers in parcels securely sealed. The General Returning Officer together with the Scrutineers if any, shall sign across the seals or otherwise mark the seals in such a manner as to make readily visible any interference or attempted interference with the seals. The parcels shall be lodged in a ballot box which shall be locked and sealed in a similar manner as the parcels of the ballot papers and the keys of the box shall be retained by the General Returning Officer. The ballot box shall be kept at the Union Office.
- (29) The General Returning Officer shall retain control of the sealed ballot papers for twelve months after the declaration of the ballot in case any dispute shall arise but if there be no dispute within such period of twelve months then the ballot papers may be destroyed.
- (30) Members declared elected under this Rule shall take office on the first working day of September in the year of the election.
- (f) (1) It shall be the duty of all officers, members and persons having control of or access to rolls, lists of members or other material necessary for the conduct of any election, ballot or plebiscite to be conducted by the General Returning Officer to afford his access thereto and to render him every assistance in the conduct of such election, ballot or plebiscite.
- (2) If in the opinion of the General Returning Officer any officer, member or persons having such control or access of such information or material fails to offer his access thereto or fails to assist in the conduct of such election, ballot or plebiscite the General Returning Officer shall take whatever steps he deems necessary so as to enable him to give effect to discharging of his duties.

Scrutineers

- (g) (i) A candidate may appoint by letter addressed to the General Returning Officer a scrutineer to watch his interests at any stage of the conduct of a ballot, but such scrutineer shall not in any way obstruct the General Returning Officer in the performance of his duties nor shall he in any way interfere with the conduct of a ballot.
- (ii) A scrutineer shall be subject to the control of the General Returning Officer but subject thereto shall have the right to present when the ballot papers are opened and counted and to watch the interests of the candidate whom he represents. He shall have the right to examine any ballot paper after it has been opened but shall not be entitled to handle the same without the express of the General Returning Officer. He shall have the right to object to the inclusion of any vote in the count but the decision of the General Returning Officer on any objection shall, subject to the provisions of the Industrial Relations Act 1988 be final.

14A - FINANCIAL REPORTING

- a) The financial year in relation to the Union means the period of twelve months commencing on the first day of July each year.
- b) The National Council will consider and approve the financial reports of the Union, as required to be prepared and audited under Fair Work (Registered Organisations) Act 2009 (“the Act”) and lodged with Fair Work Australia within six months of the end of the financial year.
- c) In exercising the power under sub-rule 14A(b), National Council will determine whether a full report or a concise report should be made available to members of the Union in accordance with section 265 of the Act, and will ensure that the report provided to members and branches of the Union:
 - (i) discloses the total of payments made by the Union during the applicable financial year, if any, to any related party of either the Union or a branch of the Union, and any declared person or body of the Union as defined in the Act;
 - (ii) discloses any interest disclosed to the Union in accordance with sub-rule 14B(b); and
 - (iii) identifies the 5 highest paid national officers of the Union (in terms of relevant remuneration for the applicable financial year) and discloses the relevant remuneration and relevant non-cash benefits of each of those officers in a manner consistent with the Act to members and branches of the Union.
- d) For the purposes of these rules and subject to the definitions appearing in the Act:
 - (i) “relevant remuneration” means the sum of any remuneration disclosed to the Union by the officer in accordance with this rule and any remuneration paid to the officer by the Union.
 - (ii) “remuneration” means pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but does not include a non-cash benefit.
 - (iii) “relevant non-cash benefits” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes provided to the officer of the Union in connection with the performance of their duties as an officer of the Union or by a related party to the Union.

- e) The National Council will determine how to provide members and branches of the Union with the full report or the concise report, including:
- (i) by directing the General Secretary to convene a general meeting of members or a series of general meetings of members at different locations to consider the full report; and/or
 - (ii) by publication of the full report or concise report in the journal of the Union and / or the Union's website; and / or
 - (iii) by other means of publication.
- f) A general meeting of members to consider the full report shall be convened by the General Secretary if requested in writing by at least 5% of members of the Union. Such a request must be made within 90 days of the date the full report or concise report is published in accordance with Rule 14A(e).
- g) The National Council will determine and promulgate a procedure for national officers to make the disclosures referred to in rule 14B.

14B - DISCLOSURES

- a) A national officer must disclose (in writing and in accordance with the procedure determined by National Council) to the Union any remuneration paid to him or her:
- (i) because that officer is a member of a board only by virtue of being an officer of the Union or was nominated as a member of a board by the Union, or a branch of the Union or a peak council; or
 - (ii) by a related party of the Union in connection with the performance of their duties as an officer,
- as soon as practicable after the remuneration is paid.

For the purposes of these rules "remuneration" will have the meaning defined in the Act.

- b) Each national officer shall disclose (in writing and in accordance with the procedure determined by National Council) any material personal interests that relate to the affairs of the Union that such officer:
- (i) has or acquires; or
 - (ii) a relative of the officer has or acquires,
- as soon as practicable after the interest is acquired.

14C - FINANCIAL REPORTING AND DISCLOSURES OF BRANCHES

Rules 14A and 14B are to apply to each branch of the Union as if each reference to the Union was a reference to a branch of the union (with the exception of sub-rule 14A(e)(ii)) the reference to the General Secretary was a reference to a Branch Secretary, a reference to a national officer was a reference to an officer of a branch and a reference to the National Council was a reference to a Branch Committee of Management. In sub-rule 14A(e)(ii) the reference to Union Journal and Union Website shall include a reference to a Branch Journal or Newsletter or a Branch Website.

In sub rule 14A(c) the reference to “the five highest paid national officers” shall be “the two highest paid branch officers”.

14D - FINANCIAL MANAGEMENT TRAINING

Officers of the Union and each branch whose duties include duties relating to the financial management of the organisation or branch, shall within six months of the commencement of holding office in accordance with Rule 13 (e) (30) or Rule 18 or Rule 43, undertake approved training that relates to their financial duties and the financial management of the organisation or the branch.

Such training shall be as approved by the General Manager of the Fair Work Commission under section 154C of the Act.

It shall be an obligation to hold office that each National Officer and Branch Officer, comply with Rule 14D

14E - FINANCIAL POLICIES

The Union and its branches shall have in operation appropriate policies relating to the expenditure of the organisation and each branch.

15 - AUDITORS

- (a) An Auditor shall be appointed by the National Council.
- (b) The Auditor shall inspect and audit the accounting records of the Union in respect of each financial year and shall within the time prescribed by requirements of the Industrial Relations Regulations ("the Regulations") make a report in respect to each year to National Council.

- (c) The Auditor shall comply with the Industrial Relations Act and the Regulations and all other applicable legislation.
- (d) No member of National Council shall be appointed as the Auditor.
- (e) The Auditor appointed by National Council in accordance with this Rule shall be -
 - (i) a person who is a competent person within the meaning of section 275 of the Industrial Relations Act 1988; or
 - (ii) a firm one of whose members is a competent person in accordance with section 275 of the Industrial Relations Act 1988.
- (f) The Auditor or a person authorised by him for the purpose of this Rule is:
 - (a) entitled at all reasonable times to full and free access to all records and other documents of the Union relating directly or indirectly to the receipt or payment of monies, or to the acquisition, receipt, custody or disposal of assets by the Union; and
 - (b) entitled to seek from any officer or employee of the Union such information and explanations as the Auditor or authorised person wants for the purposes of the audit.
- (g) An Auditor of the Union may only be removed during his term of appointment by resolution passed at a meeting of National Council by an absolute majority of the members of the Council.
- (h) Branch Auditor

Each Branch Committee of Management shall appoint an Auditor and their appointment, powers, duties and removal shall be the same in respect of the Branch as the Auditor appointed by National Council is to the Union as set out in this Rule except that any powers exercisable shall reside in Branch Committee of Management insofar as the Branch Auditor is concerned.

16 - ELIGIBILITY TO NOMINATE FOR AND HOLD OFFICE

- (a) (I) A person shall not be eligible to nominate for any office in the Union or any Branch or Sub-Branch of the Union unless, at the date of close of nominations for election of such office he or she is:-
 - (i) a financial member of the Union, and
 - (ii) either employed in the industry in connexion with which the Union is registered and in respect of such employment is entitled to membership of the Union pursuant to Rule 5, or is a person holding office as General Secretary, Assistant General Secretary, Branch Secretary, Assistant Branch Secretary, Branch Industrial Research Officer or Organiser (whether elected or appointed) or is a person holding an appointed office of National Industrial Officer or Branch Industrial Officer.

(II) A person shall not be eligible to hold or retain any office in the Union or any Branch or Sub-Branch of the Union unless at all times of holding the office, he or she is:-

- (i) a financial member of the Union, and
- (ii) either employed in the industry in connexion with which the Union is registered and in respect of such employment is entitled to membership of the Union pursuant to Rule 5, or is a person holding office as General Secretary, Assistant General Secretary, Branch Secretary, Assistant Branch Secretary, Branch Industrial Research Officer or Organiser (whether elected or appointed) or is a person holding an appointed office of National Industrial Officer or Branch Industrial Officer.

(III) A person shall not be eligible to hold or retain the office of

General Secretary;
Assistant General Secretary
Branch Secretary;
Branch President;
Assistant Branch Secretary; or
Organiser;

in the Union or any Branch or Sub-Branch of the Union if they hold a salaried office in another union regardless of Rule 68(c).

(b) Subject to paragraph (a) hereof a person is eligible to hold the office of:-

- (i) General Secretary;
General President;
General Vice President;
Assistant General Secretary; or
- (ii) Branch Secretary;
Branch President;
Assistant Branch Secretary;
Branch Industrial Research Officer; or
- (iii) Organiser (whether elected or appointed);

if he or she is a financial member of the Union continuously for the previous one year and is financial at the time of his or her nomination for election (or appointment as the case may be) but not otherwise.

- (c) Subject to these Rules, at least three (3) of the offices of General Vice President are to be held by women who are otherwise eligible to nominate for and hold these offices. In the event that less than three (3) eligible women nominate for the office of General Vice President, those offices may be filled by other eligible candidates to the extent of any shortfall in the number of eligible women nominees.
- (d) Subject to these Rules a person shall not be eligible to nominate for any office of Branch officer, Delegate representing a Branch on National Council or a reserve Delegate pursuant to Rule 7(1)(f), Branch Organiser or member of a Sub-Branch Executive Committee unless the person is a member of the relevant Branch or Sub-Branch as the case may be.
- (e) The conditions of eligibility expressed in (b)(ii) and (iii) shall not apply to any office to be filled in the Branch at the time of it being constituted or within one year of it being constituted and in lieu of those conditions a person shall be employed in the industry prescribed in Rule 4 and eligible for membership pursuant to Rule 5 and signed and completed an application form pursuant to Rule 54 and paid contributions pursuant to Rule 63 to be eligible to nominate for and hold an office in such Branch.

17 - NATIONAL OFFICERS OF THE UNION - ELECTIONS AND ELECTORATE

- (a) The National Officers of the Union shall be the General Secretary, Assistant General Secretary, General President and six General Vice Presidents.
- (b) The General Secretary, Assistant General Secretary, General President and General Vice Presidents shall be elected by secret postal ballot of financial members of the Union in accordance with Rule 13.
- (c) At least three of the General Vice Presidents shall be women.
- (d) The National Officers when elected shall hold office, subject to these Rules until their successors have been duly declared elected pursuant to Rule 13.

18 - NATIONAL OFFICERS OF THE UNION - CASUAL VACANCIES

- (1) Subject to Rule 19 where a casual vacancy occurs in any National office pursuant to Rule 17(i) such vacancy may be filled by appointment thereto by the National Council of a member of the Union eligible to nominate for and hold office pursuant to Rule 16.
- (2) The member so appointed shall hold office in accordance with the Rules for so much of the unexpired part of the term of the office as does not exceed -
 - (i) 12 months; or
 - (ii) three-quarters of the term of the office,whichever is the greater.

(3) Where the unexpired part of the term of the office exceeds that specified by Sub-Rule (2), the vacancy may be filled by ordinary election as far as practicable in accordance with Rule 13 of a member of the Union eligible to nominate for and hold office pursuant to Rule 16.

(4) In this Rule -

"ordinary election" means an election held in accordance with Rule 13;

"term" in relation to the office means the total period for which the last person elected to the office by an ordinary election (other than an ordinary election to fill a casual vacancy in the office) was entitled by virtue of that election to hold the office in accordance with the Rules without being re-elected.

19 - AFFIRMATIVE ACTION - MULTIPLE OFFICES OF THE UNION

(a) The Union is committed to an affirmative action target of at least 30% of all multiple offices in the Union being filled by women who are otherwise eligible to nominate for and hold office in accordance with these rules.

(b) Offices to whom this target applies are all National and Branch multiple offices, specifically:

- (i) General Vice Presidents (subject to rules 16 and 17);
- (ii) National Council Delegates;
- (iii) Organisers;
- (iv) Trustees;
- (v) Branch Committee Members;
- (vi) Branch Assistant Secretaries (where more than one);
- (vii) Sub-Branch Committee Members; and
- (viii) Divisional Executive Committee Members.

20 - DUTIES OF THE GENERAL PRESIDENT

The General President shall:-

- (a) Preside at all meetings of the National Council or National Committee of Management and preserve order, so that business may be conducted with due form and propriety and the Rules of the Union enforced thereat.
- (b) Upon confirmation of the minutes, sign the minute book in the presence of the meeting.
- (c) Call a meeting of the National Council in the event of the neglect or failure or inability of the General Secretary to call such meeting.

- (d) He shall settle the mode and form of debate and his decision on all points of procedure at such meetings shall be final subject always to the decision of the majority of the members present. In all matters of emergency arising during the course of a meeting he shall act in conjunction with the General Secretary.

21 - DUTIES OF THE GENERAL VICE PRESIDENTS

The duties of the General Vice Presidents shall be to preside over meetings and perform the duties of the General President in his absence or incapacity. Should the General Vice Presidents be absent, the members shall elect a chairperson from amongst themselves.

22 - DUTIES OF GENERAL SECRETARY

The General Secretary as chief executive officer of the Union shall in addition to such other duties contained within these Rules:-

- (a) Attend all meetings of the National Council or National Committee of Management.
- (b) Keep a debit and credit account between each Branch and the Union and also a general account of the receipts and expenditure of the Union.
- (c) Keep minutes of all resolutions passed or other business transacted by the National Council or the National Committee of Management.
- (d) Attend to and file all correspondence.
- (e) Summon members of the National Council to all meetings and give notice of intention to hold same to all Branches.
- (f) Draw up a report disclosing a correct record of the funds and submit same together with a duly Audited set of financial accounts to National Council.
- (g) Receive all monies and promptly pay same into an account pursuant to Rule 32 to the credit of the Union. Account withdrawals shall require the signatures of the General President, or the Assistant General Secretary, or any General Vice President and be countersigned by the General Secretary.
- (h) Be in control of the National office and any Officers employed therein who have been elected in accordance with Rule 13. He shall be responsible for the engagement and employment of any clerical or research staff who shall be under the direct control and supervision of the General Secretary and shall perform such duties as may be allotted to them.
- (i) Submit at each ordinary meeting of the National Council a report of his activities as General Secretary since the preceding ordinary meeting, report on the functioning and financial position of the Union and each of its Branches. He shall as far as is practicable between ordinary meetings of the National Council, visit all Branches and Sub-Branches of the Union.

- (j) Without limiting any other power have the power to serve upon any employer letters of demand and logs of claim in the form the General Secretary considers appropriate for and on behalf of the Union.
- (k) Have the power to do any such things as are incidental or conducive to the attainment of the Objects of the Union being Rule 2 of these rules.

23 - DUTIES OF ASSISTANT GENERAL SECRETARY

- (a) The Assistant General Secretary shall be under the direct control and supervision of the General Secretary and shall perform such duties as may be allotted to them.
- (b) The Assistant General Secretary shall assist the General Secretary in the performance of the General Secretary's duties.
- (c) The Assistant General Secretary shall carry out the directions and instructions of the General Secretary.
- (d) In the absence of the General Secretary, the Assistant General Secretary shall carry out the duties of the General Secretary.

25 - DUTIES OF NATIONAL INDUSTRIAL OFFICERS

- (a) For the purpose of these Rules, the term "National Industrial Officer" shall include persons howsoever described or classified employed by the General Secretary with the authority of National Council or National Committee of Management and acting under the direction of the General Secretary and performing duties in pursuit of the objects of the Union.
- (b) The National Industrial Officers shall be under the direct control and supervision of the General Secretary and shall perform such duties as may be allotted to them.
- (c) The National Industrial Officers shall assist the General Secretary in the performance of his duties and shall carry out his directions and instructions.

26 - NATIONAL OFFICERS - REMOVAL FROM OFFICE

- (1) The National Committee of Management may remove from office the General Secretary, the General President or any General Vice President or Assistant General Secretary or any member of the National Council or the National Committee of Management at a meeting of the National Committee of Management to which the person concerned has been summoned in writing signed by the General Secretary or General President to show cause why he should not be so removed.

Provided that no such person shall be removed from office unless he has been found guilty of misappropriation of the funds of the Union, a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to these Rules, to be eligible to hold office.

- (2) A person summoned to show cause pursuant to Rule 26(1) shall be given at least fourteen days notice of the time and place of the meeting of the National Committee of Management to which he is summoned. The Notice summoning the member shall also specify the ground or grounds upon which it is proposed to consider his removal. The National Committee of Management may proceed to hear and determine a matter under this Sub-Rule notwithstanding the absence of the person summoned if due notice of the hearing has been given in accordance with this Sub-Rule.
- (3) A member found guilty of an offence under this rule or a member laying a charge under this rule may appeal to the National Council. Such appeal shall state in detail the grounds of the appeal, and shall be lodged with the General Secretary within 14 days of the member being notified of the decision of the National Committee of Management.
- (4) The General Secretary shall place the appeal before the next meeting of the National Council which shall decide whether or not it proposes to consider the appeal at that meeting or at a later meeting. The National Council shall subject to the rules determine its own procedures for the hearing of appeals and shall have power to determine the appeal or vary any penalty imposed by the National Committee of Management.

27 - AUTHORITY TO EXECUTE DOCUMENTS

Industrial Agreements and other instruments or documents to which the Union may be a party shall be made on behalf of the Union in the following manner:-

- (a) An Industrial Agreement (not being an agreement within the meaning of the Industrial Relations Act 1988) and any instrument, document or writing not required by law to be under seal of the Union shall be executed with the signature of the General Secretary and the signature of the General President or with the signature of the General Secretary and the signature a General Vice President.
- (b) An instrument, document or writing required by law to be under seal of the Union shall be executed under the seal of the Union with the signature of the General Secretary or with the signature of the General President and the signature of the General Vice President.
- (c) Notwithstanding Sub-Rules (a) and (b) of this Rule documents related to proceedings under the jurisdiction of the Australian Industrial Relations Commission shall be executed with the signature of the General Secretary or, where authorised by National Council or National Committee of Management, Branch Secretaries.

28 - NATIONAL COMMITTEE OF MANAGEMENT - COMPOSITION AND MEETINGS

(1) Composition

The National Committee of Management shall consist of -

- (a) The General Secretary
- (b) The General President
- (c) The General Vice Presidents
- (d) The Assistant General Secretary
- (e) Each Branch Secretary who is not already a member of the National Committee of Management by virtue of being the holder of the office of General President or General Vice-President.

(2) Meetings

The National Committee of Management shall meet when decided by National Council or by the National Committee of Management or by the General Secretary or by one third of the members of the National Committee of Management making a written request of the General Secretary to convene a meeting. All meetings of the National Council shall be called by the General Secretary.

(3) Telephonic Meetings

The General Secretary, during the intervening period between National Committee of Management meetings may call a meeting of the National Committee of Management, to be conducted by telephone, radio, or any other method by which members of the National Committee of Management are able to communicate orally with each other without being physically present.

(4) Notice of Meetings

The General Secretary shall by letter, telex, facsimile or similar mode, notify within a reasonable time every member of the National Committee of Management of the date, time and place or mode fixed for any meeting of the National Committee of Management at his last known address or the relevant Branch office to which the Committee Member is a member.

(5) Voting

At any meeting of the National Committee of Management:-

- (a) The General Secretary, General President, General Vice Presidents and Assistant General Secretary shall be entitled to exercise one vote each.
- (b) Each Branch Secretary shall be entitled to exercise a vote or number of votes equivalent to the number of delegates representing his Branch on National Council pursuant to Rule 7.
- (c) If a Branch Secretary also holds the office of General President or General Vice President he shall be entitled to exercise one vote pursuant to paragraph (a) of this Sub-Rule and the vote or number of votes pursuant to paragraph (b) of this Sub-Rule.

29 - NATIONAL COMMITTEE OF MANAGEMENT - POWERS

- (a) Subject to any direction of National Council, the National Committee of Management shall be invested with the powers of National Council and shall be responsible for the business of the Union between meetings of the National Council and shall be directly responsible to National Council for any action taken by the National Committee of Management.
- (b) Provided that the National Committee of Management is not invested with power for the following purposes:-
 - (i) to amend, alter or delete any Rule or Rules or determine any new Rule or interpret the meaning of Rules except for the purpose and to the extent provided in these Rules;
 - (ii) to amend, alter or rescind any decision of the National Council or otherwise act contrary to an expressed intention of the National Council;
- (c) Subject only to this rule, a reference in these rules to the National Council shall be taken to include a reference to the National Committee of Management.

30 - FARES AND EXPENSES

- (a) Branches shall pay the fares of Branch representatives to all meetings of the National Council and the National Committee of Management.
- (b) Each Branch shall pay all salaries and other expenses properly incurred and all away from home allowances properly due to representatives.
- (c) National Council shall pay all fares, salaries and expenses properly incurred and all away from home allowances properly due to all National Officers not also being Officers of a Branch.

- (d) Notwithstanding anything contained within this Rule, upon request of a Branch National Council shall from time to time determine to subsidise the cost of attendance at National Committee of Management and National Council meetings and the amount of subsidy for the Branch subject to it being satisfied that the cost of attendance at the meetings would otherwise reduce the effectiveness of the Branch operations and services to members.

32 - NATIONAL FUND

- (a) The Union shall raise funds through each of its Branches by members payment of entrance fees, contributions and levies or other means and disbursement of such funds shall be made only pursuant to the Rules.
- (b) The National Fund shall consist of:-
- (i) Any real or personal property of which the National Council or General Branch has or is entitled to have the right of, custody, control and management.
 - (ii) Sustentation fees payable by Branches pursuant to Rule 33.
 - (iii) The amounts of entrance fees, subscriptions, fines, fees or levies received from members of the General Branch.
 - (iv) Monies received from fines imposed by National Council or General Branch and monies raised by special levy on members for the purposes of National Council.
 - (v) Any interest, rents, dividends or other income derived from the investment or use of the National Fund or the Central Branch Fund (while such fund existed either as the Central Branch Fund or as the Foreman and Supervisory Branch Fund) or the Tasmanian Branch Fund (while such fund existed) or the Queensland Branch Fund (while such fund existed) or the South Australian Branch Fund (while such fund existed) or the Western Australian Branch Fund (while such fund existed).
 - (vi) Any property acquired wholly or mainly by expenditure of the monies of the National Fund or the Central Branch Fund (while such fund existed either as the Central Branch Fund or as the Foreman and Supervisory Branch Fund) or the Tasmanian Branch Fund (while such fund existed), or the Queensland Branch Fund (while such fund existed) or the South Australian Branch Fund (while such fund existed) or the Western Australian Branch Fund (while such fund existed) or derived from other assets of the National Fund or the Central Branch Fund (while such fund existed either as the Central Branch Fund or as the Foreman and Supervisory Branch Fund) or the Tasmanian Branch Fund (while such fund existed) or the Queensland Branch Fund (while such fund existed) or the South Australian Branch Fund (while such fund existed) or the Western Australian Branch Fund (while such fund existed).

- (vii) The proceeds of any disposal of parts of the National Fund or the Central Branch Fund (while such fund existed either as the Central Branch Fund or as the Foreman and Supervisory Branch Fund) or the Tasmanian Branch Fund (while such fund existed) or the Queensland Branch Fund (while such fund existed) or the South Australian Branch Fund (while such fund existed) or the Western Australian Branch Fund (while such fund existed).
 - (viii) Any amounts of money that the National Council or the National Committee of Management requires a Branch to pay where the liability to pay those amounts has been incurred in relation to a Branch's and/or any of its officer's, members' or employees' conduct, action or failure to act, whether or not that liability has been discharged and whether or not any payment of money in respect of that liability has been or is to be made to a third party.
- (c) Subject to the control of the National Council the National Fund shall be under the control of the National Committee of Management.
- (d) Such part of the National Fund as from time to time consists of money shall be invested in the name of the Union in such bank accounts as National Committee of Management may approve and may be invested in any other manner whatsoever as National Council or National Committee of Management may from time to time determine.
- (e) All monies received by or on behalf of the General Branch are to form part of the National Fund and are to be banked to the credit of the Union in bank accounts approved for that purpose by the National Committee of Management. The General Branch may also establish accounts for the purposes of the administration and expenditure of its budget under rule 32(g). These accounts, while subject to the control of National Council and the National Committee of Management, are to be managed in accordance with these Rules on a day to day basis by the General Branch. The provisions of Rules 34(d) and (e) apply to these accounts.
- (ee) That as from 1 July 2011 (or such later date as may be approved by the General Manager of Fair Work Australia) the General Branch will cease to be a reporting unit for the purposes of section 242 of the Fair Work (Registered Organisations) Act 2009 and that reports required to be made from time to time in respect of the financial affairs of the Branch will form part of and be integrated into the National Office report prepared and filed pursuant to that section.
- (f) Subject to Rule 32(g), for the purpose of carrying on the work and objects of the Union as they relate to members of the General Branch, the National Council and National Committee of Management will finance the General Branch to meet the expenditure in which the Branch is involved in carrying out its activities in accordance with the rules of the Union and to ensure that the extent and quality of the participation of members of General Branch in the democratic control of affairs of the Union is the same as for other members of the Union.
- (g) Each financial year a budget of income and expenditure for the General Branch will be determined by the National Committee of Management in consultation with the General Branch.

**33 - NATIONAL COUNCIL - SUSTENTATION FEES PAYABLE BY EACH BRANCH
(EXCEPT GENERAL BRANCH)**

- (a) Each Branch Secretary, with the exception of the Branch Secretary of the General Branch, shall pay to the National Council by way of sustentation fees the amount equal to 20% of membership contributions collected and such payments shall be made monthly and shall be a first charge on all contribution received from members.

Provided that this Rule shall come into operation from 1 October 2012 or the date of approval of this Rule alteration by the General Manager of the Fair Work Commission, whichever is later.

Prior to the commencement of operation of this Rule the reference to 20% of membership contributions shall be 16 2/3% of membership contributions.

Subject to subrule 32(c) the additional 3 1/3% paid to the National Council shall be used exclusively for the ongoing funding and operation of the Union's membership service centre (NUW Assist) with any shortfall in operation or other costs associated with the operation being met by the National Office, through the National Fund.

- (b) "deleted"
- (c) (i) Branch Secretaries shall make the payments prescribed in Sub-Rule (a) to the National Council not later than 21 days after the last day of the month in which the membership contributions are received by the Branch.
- (ii) The sustentation fees payable by Branches and due to the National Council in accordance with this Rule, shall not be used by Branches for any other purpose.
- (d) Each Branch Secretary shall forward to the General Secretary not later than 15th March each year a copy of the respective Branch Statement of Receipts and Expenditure; a copy of the respective Branch Statement of Assets and Liabilities and a copy of the respective Branch Auditors Report for the preceding year, each document shall be signed by the Branch Auditor.
- (e) (i) Notwithstanding anything contained elsewhere in these Rules, a Branch Committee of Management has no power to direct a Branch Secretary not to make payments due to the National Council.
- (ii) Where a Branch Secretary fails to make payments to the National Council substantially in the manner set out in this Rule the Branch concerned shall forfeit the right of representation at National Council or National Committee of Management meetings, unless the National Council determines otherwise whilst assembled in meeting.

- (f) Provided always where payments are not made in accordance with this Rule no voting entitlement will be given to the National Council delegates representing the defaulting Branch or the Branch Secretary upon National Council or National Committee of Management. Provided further where a Branch Secretary fails to supply to the National Council the documents referred to in sub-clause (d) of this Rule the Branch concerned shall be disenfranchised until such documents are supplied.

34 - FUNDS AND PROPERTY OF A BRANCH

- (aa) The provisions of Rules 34(a), (b) and (c) do not apply to the General Branch.
- (a) Each Branch shall have a Branch Fund which shall be managed and controlled in accordance with the Rules and shall consist of:
- (i) any real or personal property of which the Branch, by these Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease, bailment or arrangement would have, the right of custody, control or management;
 - (ii) the amounts of entrance fees, subscriptions, fines, fees or levies received by the Branch, less so much as is payable by the Branch to the National Council by way of sustentation fees or otherwise;
 - (iii) any interest, rents, dividends, or other income derived from the investment or use of the fund;
 - (iv) any superannuation or long service leave or other fund operated or controlled by the Branch in accordance with these Rules for the benefit of its officer of employees;
 - (v) any sick pay fund, accident pay fund, funeral fund, tool benefit or similar fund operated or controlled by the Branch in accordance with these Rules for the benefit of its members;
 - (vi) any property acquired wholly or mainly by expenditure of the moneys of the fund or derived from other assets of such funds; and
 - (vii) the proceeds of any disposal or parts of such funds and property.
- (b) All funds and property of a Branch shall be vested in the Branch.
- (c) The Committee of Management of a Branch may cause any moneys of that Branch which, in its opinion, are in excess of current requirements to be invested.
- (d) All cheques and other instruments for the withdrawal of any funds of a Branch of the Union from any bank or other account shall be signed by the Secretary of that Branch and one of the members of the Committee of Management of the Branch.

- (e) Moneys of a Branch of the Union shall be disbursed only upon a resolution of the Committee of Management of the Branch, provided that, for the expenditure of the funds of the Branch on the general administration of the Branch or for purposes reasonably incidental to the general administration of the Branch, the prior authority of the Committee of Management of the Branch or a general meeting of members of the Branch shall not be necessary before cheques are signed and/or accounts are paid.

35 - LOANS

A loan, grant or donation of an amount exceeding \$1,000.00 shall not be made by the Union, or by any Branch of the Union, as the case may be, unless the National Council or the Branch Committee of Management, as the case may be -

- (a) has satisfied itself:-
- (i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union; and
 - (ii) in the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
- (b) has approved the making of the loan, grant or donation.

36 - BRANCH OFFICES

- (a) The location of the office of each Branch shall be as determined from time to time by the appropriate Branch Committee of Management.
- (b) In the event that a Branch changes the location of its office, the Branch Secretary shall advise the General Secretary and the Industrial Registry within 35 days in writing of the change.

37 - BRANCHES OF THE UNION - MEMBERSHIP

- (1) New South Wales

There shall be one Branch of the Union in the State of New South Wales as follows:

The NUW New South Wales Branch which shall comprise those persons employed in New South Wales and the Australian Capital Territory eligible for membership of the Union in accordance with any of Rules 5(B), (C), (D) (except (D)(2)), (F), (G), (HA), (I) and/or (MA) and admitted as members of the Union.

(2) Victoria

There shall be one Branch of the Union in the State of Victoria as follows:

The NUW Victorian Branch which shall comprise those persons employed in Victoria eligible for membership of the Union in accordance with any of Rules 5(B), (C), (D) (except (D)(2)), (F), (G), (I) and/or (MA) and admitted as members of the Union.

(3) General

There shall be one General Branch of the Union which shall comprise:

(a) Those persons eligible for membership of the Union throughout Australia in accordance with:

(i) Rule 5(E); or

(i) Any other Part of Rule 5 who become members through Unions Australia

And admitted as members of the Union.

Any person who is allocated to the General Branch in accordance with paragraph (ii) above thereby becomes a member of the General Branch to the exclusion of any other Branch.

(b) Those persons eligible for membership of the Union throughout Australia in accordance with Rule 5(D)(2) and admitted as members of the Union.

(c) Those persons employed in Tasmania or the Northern Territory eligible for membership of the Union in accordance with any of Rules 5(B), (C), (D) (except (D)(2)), (F), (G), (I) and/or (MA) and admitted as members of the Union.

(d) Those persons employed in Queensland eligible for membership of the Union in accordance with any of Rules 5(B), (C), (D) (except (D)(2)), (F), (G), (I) and/or (MA) and admitted as members of the Union.

(e) Those persons employed in South Australia eligible for membership of the Union (except under Rule 5 D(2)) and admitted as members of the Union.

(f) Those persons employed in Western Australia eligible for membership of the Union in accordance with any of Rules 5(B), (C), (D) (except (D)(2)), (F), (G), (I) and/or (MA) and admitted as members of the Union.

- (4) A person eligible for membership in accordance with Rule 5(N) and admitted to membership shall:-
- (a) In the case of a Branch officer be a member of the Branch in which he is an officer, provided that in the case of an officer of General Branch he shall also be allocated to the appropriate area (as defined by each of paragraphs (a)-(f) in Rule 37(3)) by the Branch Committee of Management; and
 - (b) In the case of a National officer, the National Committee of Management shall determine which Branch the National officer shall be a member of, provided that where the National officer was a member of a Branch immediately before taking National office, he shall continue to be a member of that Branch.

37A - BRANCH COMMITTEES OF MANAGEMENT - POWERS

- (1) Subject to these Rules or any decision of National Council made pursuant to these Rules the government, management and control of the affairs of each Branch of the Union shall be vested in a Branch Committee of Management to be elected in accordance with Rule 13.
- (2) Without limiting its powers in any way each Branch Committee of Management shall have power to:
 - (i) Cancel the whole or any part of the members arrears of contributions, fines or levies; and
 - (ia) Determine matters concerning the participation of the Branch in a State workplace relations system, subject to any direction made by National Council to ensure such decisions do not adversely affect the interests of the Union and its members as a whole.
 - (ii) Vote and expend any money that may be necessary in connexion with the business of the Branch; and
 - (iii) Determine such assistance as it deems necessary to employ to carry on the work of the Branch; and
 - (iv) Determine whether organizers shall be elected or appointed and the number of such organizers, and to reduce the number at any time; and
 - (v) Determine which optional Branch offices pursuant to Rule 37B shall be filled and also where multiple Branch offices are held and a casual vacancy occurs in one such office to determine to fill or not to fill the vacant office.
 - (vi) Establish and/or disband a Sub-Branch or Sub-Branches; and

- (vii) Make and amend Rules for the government of the Branch, provided that such Rules shall not conflict with the Rules of the Union and provided that such Rules shall not be operative until approved by National Council in accordance with Rule 65 and certified by a Registrar pursuant to the Industrial Relations Act 1988; and
 - (viii) To appoint or cause to be elected delegates or representatives to bodies with which the Branch is associated; and
 - (ix) Such other powers as are delegated to it by the National Council or National Committee of Management.
- (3) All officers, Organizers and employees of a Branch or of a Sub-Branch shall be subject to the control and direction of Branch Committee of Management as expressed through the Branch Secretary.
- (4) Such part of the Branch Fund as from time to time consists of money shall be invested in the name of the Branch in such bank accounts as the Branch Committee of Management may approve and may be invested in any manner whatsoever as the Branch Committee of Management may from time to time determine.

37B – COMPOSITION OF VICTORIAN BRANCH COMMITTEE OF MANAGEMENT

- (1) The Branch Committee of Management of the Victorian Branch shall consist of:
- (a) Branch Secretary
 - (b) Branch President
 - (c) Branch Vice-President (or alternatively a Senior and a Junior Vice-President or, in Victoria, two Senior and one Junior Vice-Presidents)
 - (d) Assistant Branch Secretary (if any)
 - (e) Organisers (if any)
 - (f) Trustees (if any)
 - (g) Committee Members (not less than 5).

each of whom shall be elected by and from the members of the Branch in accordance with Rule 13.

- (2) (i) The number of Committee Members, Organisers and Trustees (if any) shall be determined by the Branch Committee of Management prior to the opening of nominations for the next elections in accordance with Rule 13(e)(5); and
- (ii) The total number of Committee Members and Trustees (if any) shall be not less than the total number of officers on the Committee of Management holding any of the offices set out at (a) to (e) in Sub-Rule (1) of this Rule provided that there shall be not less than 5.

- (iii) The Branch Committee of Management shall determine prior to the opening of nominations for the next elections in accordance with Rule 13(e)(5), the following issues:-
 - (1) whether the office of Branch Vice President or the offices of Senior and Junior Vice President shall be elected;
 - (2) whether the office of Branch Assistant Secretary shall be elected.
- (iv) Notwithstanding the provisions of Rule 43, the Branch Committee of Management may determine not to fill any casual vacancy created in an office of Organiser, Committee Member or Trustee provided that no more than one half of all such offices filled by elections pursuant to Rule 13 shall cease to exist by exercise of such a determination.

37C - "DELETED"

37D - NEW SOUTH WALES BRANCH COMMITTEE OF MANAGEMENT

- (1) The Branch Committee of Management of the New South Wales Branch shall be composed of:
 - (a) the Branch Secretary;
 - (b) the Branch President;
 - (c) the Branch Assistant Secretary (if any);
 - (d) the Branch Vice President
 - (e) the three Trustees; and
 - (f) members from each of the areas of eligibility defined in sub-rules (B), (C), (D)(1), (F), (G), (HA) and (I) of Rule 5 - Conditions of Eligibility determined as follows:
 - A For the purposes of this sub-rule, the areas of eligibility defined in sub-rules (B), (C),(D)(1), (F), (G), (HA) and (I) of Rule 5 - Conditions of Eligibility will be grouped into the following 5 areas:

Area (1)	-	Rule 5(B) and (F)
Area (2)	-	Rule 5(C) and (I)
Area (3)	-	Rule 5(D)(1)
Area (4)	-	Rule 5(G)
Area (5)	-	Rule 5(HA)
 - B Areas of eligibility with up to 4,000 members shall be entitled to two members on the Branch Committee of Management:

- C Areas of eligibility having between 4,001 and 8,000 members shall be entitled to three members on the Branch Committee of Management
 - D Areas of eligibility having between 8,001 and 12,000 members shall be entitled to four members on the Branch Committee of Management
 - E Areas of eligibility being in excess of 12,000 members shall be entitled to four members on the Branch Committee of Management and an additional member for each 4,000 members or part thereof above 12,000 members.
- (2) Each member of the Branch Committee of Management shall be entitled to one vote, save for the Branch President who shall have a deliberative vote and a casting vote.
 - (3) The powers of the Branch Committee of Management shall include the power to determine the allocation of members to areas of eligibility in accordance with Rule 37D(1)(f)(A).
 - (4) The number of Organisers to be elected for office in accordance with this Rule shall be determined by the Branch Committee of Management prior to 31 March in the year of the elections scheduled pursuant to rule 13. Provided that the power of the Branch Committee of Management pursuant to this sub-rule shall be exercised bona fide having regard to membership fluctuations and strategic considerations relating to representation and recruitment.
 - (5) The determination of whether to fill the office of Branch Assistant Secretary will be made by the Branch Committee of Management prior to 31 March in the year of the elections scheduled pursuant to Rule 13.

37E - "DELETED"

37F - BRANCH COMMITTEE OF MANAGEMENT - GENERAL BRANCH

- (1) The Branch Committee of Management of the General Branch shall consist of:-
 - (a) Branch Secretary
 - (b) Branch Assistant Secretary (if any)
 - (c) Branch President
 - (d) Branch Vice President
 - (e) Committee Members
- (2) The General Branch Secretary, Assistant Branch Secretary, Branch President and Branch Vice President shall be elected by and from the members of the Branch in accordance with Rule 13

- (3) (a) The number of Committee Members shall be determined by the Branch Committee of Management prior to the opening of nominations for the next elections in accordance with Rule 13(e)(5) provided that there shall be not less than 11.
- (b) The Committee Members shall be elected by and from the members of the Branch in accordance with Rule 13 as follows:
- (i) Each group of the members of the Branch defined by each of paragraphs (a)-(f) in Rule 37(3) (in this Rule and rule 37G “each Electorate”) shall form a separate electorate to elect Committee Members.
 - (ii) Each Electorate will be allocated one Committee Member position. The additional Committee Member positions shall be allocated proportionally amongst the electorates based on the number of members therein.
 - (iii) In order to determine the number of additional Committee Member positions each electorate is entitled to, the following formula shall apply:
 - (1) Membership of each Electorate divided by total General Branch membership (as at 31 December of the preceding year) multiplied by the number of additional delegates to be allocated; and round to the nearest whole number (as if Rule 7(2)(c) applied).
 - (2) If, as a consequence of rounding, the number of Committee Member positions exceeds the number of Committee Member positions determined by the Branch Committee of Management under Rule 37F(3)(a), the larger number of Committee Member positions shall be deemed to comply with Rule 37F(3)(a).
 - (iv) The Branch Secretary shall within 14 days of the General Branch Committee of Management determining the number of Committee Members in accordance with Rule 37F(3)(a) advise the General Returning Officer of the number of additional delegates each Electorate is entitled to in accordance with this Rule.
- (4) The powers of the National Council shall include the power to settle any dispute about the proper allocation of members to each Electorate in accordance with Rule 37F(3).
- (5) The determination of whether to fill the office of Branch Assistant Secretary will be made by the Branch Committee of Management prior to 31 March in the year of the elections scheduled pursuant to Rule 13

(6) Transitional Rule (Assistant Branch Secretary)

The provisions of this rule apply notwithstanding anything else contained in these rules.

For the purposes of this sub rule “appropriate date” shall mean the date on which the alteration to the rules in R2013/285 are certified by the General Manager of the Fair Work Commission.

The office of Branch Assistant Secretary that exists as at the appropriate date shall be filled by an ordinary election to be conducted as far as practicable, in accordance with Rule 13 by a member of the Union eligible to nominate for and hold office pursuant to Rule 16. Provided that elections for all offices in the General Branch are to be held in accordance with Rule 13 commencing at the next ordinary election to be held following the appropriate date.

37G – MEMBER CONSULTATIVE COMMITTEES - GENERAL BRANCH

- (1) There will be a Member Consultative Committee for each Electorate of the General Branch. The purpose of the Member Consultative Committees is to allow for consultations on matters specifically affecting members in each Electorate.
- (2) Each Member Consultative Committee shall consist of the Branch Secretary and the Members of General Branch Committee of Management from each Electorate. The General Branch Committee of Management may invite or co-opt additional members of the Branch from the relevant Electorate to participate in the Member Consultative Committee.
- (3) Meetings of the Member Consultative Committees may be called by the Branch Secretary or by resolution of the General Branch Committee of Management.
- (4) Member Consultative Committees shall be entitled to submit agenda items for consideration by the General Branch Committee of Management and the National Council.

38 - MEETINGS WITHIN BRANCHES

Branch Committee of Management

(a) Ordinary Meetings

Ordinary meetings of each Branch Committee of Management shall be regularly held at a time and place determined by it. Provided such ordinary meetings shall be effectively held at least every six months.

After each Branch general election the Branch Committee of Management shall meet within thirty days of its members taking over their respective positions.

(b) Special Meetings

Special meetings of a Branch Committee of Management shall be held from time to time to determine any matter which requires urgent attention.

The Branch Secretary shall act to convene special meetings when the events set out hereunder arise:

- (i) When the Branch Secretary determines a meeting is desirable or necessary.
- (ii) When a majority of the members of the Branch Committee of Management make a written request to the Branch Secretary or the Branch President. Provided if the Branch Secretary is unable or fails otherwise to convene a special meeting the Branch President is empowered to act for that purpose.

(c) Telephonic Meetings

The Branch Secretary may call a meeting of the Branch Committee of Management, to be conducted by telephone, radio, or any other method by which members of the Branch Committee of Management are able to communicate orally with each other without being physically present.

(d) Notice of Meetings

Meetings of the Branch Committee of Management shall be convened by the Branch Secretary by written notice to each member of the Branch Committee of Management. Such notice shall clearly show the time and place of the meeting and the nature of the business to be determined and it shall be conveyed by hand, telex, facsimile or postal mail provided the method of conveyance used shall have regard to the time and place of the meeting.

Unless otherwise decided by the Branch President and the Branch Secretary, all special meetings referred to herein shall be held at the registered office of the Branch.

Notwithstanding any of the foregoing provisions of this clause, the Branch Secretary and/or Branch President and/or Branch Committee of Management at its ordinary meeting, shall have the power to call a special meeting of the Branch Committee of Management to deal with urgent and/or outstanding matters.

(e) Sub-Branches

- (i) Ordinary general meetings of members of all Sub-Branches shall be held on a date to be determined by the Branch Committee of Management. Such meetings shall be held at intervals of not longer than six months.
- (ii) A special meeting of members of a Sub-Branch may be called at any time by the Sub-Branch Chairman or Sub-Branch Secretary, by advertisement in a daily newspaper circulating throughout the area of the Sub-Branch. The Sub-Branch Chairman or the Sub-Branch Secretary shall, on written request by a majority of the members of the Sub-Branch Executive call a special meeting.

- (iii) No members shall be permitted to move or second any motion or vote on any motion at a Sub-Branch meeting unless he is a member of the Sub-Branch.
- (f) Branches where no Sub-Branches:-
 - (i) An ordinary general meeting of members of Branches where no Sub-Branches are constituted shall be held at least every six months at a time and place determined by the Branch Committee of Management and special general, or special general summoned Branch meetings may be held at any time and place as determined by the Branch Committee of Management provided that no member will be penalised for non-attendance if he has a reasonable excuse.
 - (ii) Members of the General Branch may attend ordinary general meetings by telephone, radio, video-conference, or any other method by which members are able to communicate orally with each other without being physically present.
 - (iii) Meetings other than Branch Committee of Management meetings held in capital cities shall be scheduled to commence not later than 8.00 p.m.

If a quorum as prescribed is not present 15 minutes after the scheduled commencing time, the meeting shall lapse.

All meetings shall close not later than two hours after the scheduled commencing time, unless otherwise determined by resolution for the purpose of concluding the business under discussion.

A meeting shall not continue, under any circumstances, beyond two and one half hours after the scheduled commencing time.
 - (iv) Meetings other than Branch Committee of Management meetings in provincial or country areas shall be scheduled to commence not later than 8.00 p.m.

If a quorum, as prescribed, is not present 15 minutes after the scheduled commencing time, the meeting shall lapse.

All meetings shall close not later than two hours after the scheduled commencing time unless otherwise determined by resolution for the purpose of concluding the business under discussion.

A meeting shall not continue, under any circumstances, beyond two and one half hours after the scheduled commencing time.
 - (v) Notwithstanding anything contained elsewhere in these Rules a Branch Committee of Management of a Branch may determine the commencement time and maximum duration of any meeting within that Branch.

(g) Unauthorised Meetings:-

It shall be a breach of these Rules for members of the Union to assemble for the purpose of transacting Union business at meetings other than those authorised by the Branch Committee of Management.

(h) Attendance of General Secretary:-

The General Secretary may attend and speak at any Branch Committee of Management meeting but is not hereby empowered to propose any motion or exercise a vote at such meetings.

39 - QUORUM

(a) Unless otherwise expressly provided in these Rules, in all representative bodies of the Union, the presence of one half (to the nearest whole number) of all persons eligible to attend, shall constitute a quorum.

(b) (i) The number of members required to form a quorum for the conduct of any business at a general or special meeting of a Branch, shall be not less than 10. Provided that a Branch Committee of Management may determine to increase this figure up to but not beyond 100 members.

(ii) The number of members required to form a quorum for the conduct of any business at a general or special meeting of a Sub-Branch shall be 5.

(iii) For the purpose of determining a quorum, the member must be a financial member of the relevant Branch or Sub-Branch proposing to conduct the meeting.

(c) If the number of members at any time during the course of a meeting is less than the number required for a quorum the meeting shall lapse forthwith and thereby cease to function.

The foregoing paragraph shall not be applicable to meetings of the National Council or National Committee of Management provided that those meetings shall not continue until a quorum is present.

40 - "DELETED"

41 - RESIGNATION OF BRANCH AND NATIONAL OFFICERS

Should any member elected or appointed to any Branch or National office in accordance with the Rules desire to resign from such office he shall give, in writing to the General President or General Secretary or Branch President or Branch Secretary (as the case may be), twenty-eight days notice of his intention to do so.

42 - BRANCH OFFICERS - REMOVAL FROM OFFICE

- (a) The Branch Committee of Management may remove from office any officer or member of the Branch Committee of Management at a meeting of the Branch Committee of Management to which the person concerned has been summoned in writing signed by the Branch Secretary or Branch President to show cause why he should not be so removed. Provided that no such person shall be removed from office unless he has been found guilty under the Rules of the Union of misappropriation of the Funds of the Union, a substantial breach of the Rules of the Union, or gross misbehaviour or gross neglect of duty, or has ceased according to the Rules to be eligible to hold office.
- (b) A person summoned to show cause pursuant to Sub-Rule (a) of this Rule shall be given at least fourteen days notice of the time and place of the meeting of the Branch Committee of Management to which he is summoned. The notice summoning him shall also specify the ground or grounds upon which it is proposed to consider his removal. The Branch Committee may proceed to hear and determine a matter under this Sub-Rule notwithstanding the absence of the person summoned if due notice of the hearing has been given in accordance with this Sub-Rule.
- (c) An officer or member of the Branch Committee of Management removed from office having been found guilty pursuant to this Rule may appeal to the National Committee of Management. Any officer or member laying a charge against any officer or member of a Branch such charge having been dismissed pursuant to this Rule may appeal the decision to dismiss the charge to the National Committee of Management. Such appeal shall state in detail the grounds of the appeal and shall be lodged with the General Secretary within 14 days of the person being notified in writing of the decision of the Branch Committee of Management. The General Secretary shall place the appeal before the next meeting of the National Committee of Management. The National Committee of Management shall subject to the Rules determine its own procedures for the hearing of appeals and shall have power to determine the appeal.

43 - THE MANNER OF FILLING CASUAL VACANCIES IN BRANCH AND SUB-BRANCH OFFICES

- (1) Where a casual vacancy occurs in any elected office of a Branch or Sub-Branch including Delegate representing a Branch on National Council such vacancy may be filled by appointment by the Branch Committee of Management to such Branch office or by the Sub-Branch Executive to such Sub-Branch office of a member eligible to nominate for and hold the office pursuant to Rules 13 and 16.

- (2) The member so appointed shall hold office in accordance with the Rules for so much of the unexpired part of the term of office as does not exceed:
- (i) 12 months; or
 - (ii) three-quarters of the term of office,
- whichever is the greater.
- (3) Where the unexpired part of the term of the office exceeds that specified by Sub-Rule (2) of this Rule, the vacancy may be filled by ordinary election as far as practicable in accordance with Rule 13 of a member of the Union eligible to nominate for and hold office pursuant to Rule 13. Provided that when a casual vacancy occurs in an office of Delegate representing a Branch on National Council that office shall be filled by the reserve delegate of the relevant Branch provided for in Rule 7(1)(f) unless that reserve delegate has already assumed the office of Delegate representing a Branch on National Council by operation of Rule 7(1)(f) or by operation of this Rule.
- (4) In this Rule -
- "ordinary election" means an election held in accordance with Rule 13;
- "term" in relation to the office means the total period for which the last person elected to the office by an ordinary election (other than an ordinary election to fill a casual vacancy in the office) was entitled by virtue of that election to hold the office in accordance with the Rules without being re-elected.

44 - BRANCH OFFICERS AND BRANCH ORGANISERS - DUTIES

The duties of Branch Officers and Branch Organisers shall be as hereunder described:

- (a) **Secretary** - The Branch Secretary as the chief executive officer of the Branch in addition to such other duties in these Rules, shall:-
 - (i) be competent to discharge all duties assigned to him by the Branch Committee of Management;
 - (ii) attend all meetings connected with the Branch when practicable;
 - (iii) attend to all correspondence, keep a copy of all letters and correspondence howsoever despatched;
 - (iv) give an official receipt for all moneys received, and bank such moneys to the credit of the Branch at least weekly;
 - (v) keep all documents books and accounts relating to the business of the Branch;
 - (vi) issue notices to members, particularly to those who are in arrears with their dues;

- (vii) hand over to the Branch Auditor all property, books, documents and moneys belonging to the Branch within twenty-four hours after being requested to do so by resolution passed at any meeting of the Branch Committee of Management;
- (viii) further discharge such duties as may be allocated to him from time to time by the Branch Committee of Management.

Notwithstanding anything contained elsewhere in these Rules he shall also be in sole charge of the Branch office and those employees connected with the work thereof.

- (b) **President** - The Branch President shall preside, when practicable, at all Branch meetings and Branch Committee of Management meetings. He shall preserve order and give an impartial decision on all questions submitted to him. Should he wish to speak on any question other than a point of order, he shall leave the chair and call upon the Vice President (or the Branch Senior Vice President or the Branch Junior Vice President) to take charge of the meeting whilst speaking, and shall immediately resume the chair when finished speaking. He shall have power to fine any member who, after being warned by the Chairman, persists in disorderly conduct - up to and not exceeding the sum of \$10 (ten dollars) - for such offence. A member so fined shall have such fine confirmed in writing and shall have the right to appeal to the next meeting of the Branch. He shall also have power to order the removal from meeting room of any member who persists in disorderly conduct provided it is with the concurrence of the meetings.
- (c) **Vice President** - The Branch Vice President (or the Branch Senior Vice President or the Branch Junior Vice President) shall assist the Branch President to conduct all meetings, and act as chairman of any meeting in his absence and have all the powers and privileges of the Branch President at such meetings.
- (d) **Branch Assistant Secretary** - The Branch Assistant Secretary shall:-
 - (i) be under the direct control and supervision of the Branch Secretary and shall perform such duties as may be allotted to them;
 - (ii) assist the Branch Secretary in the performance of the Branch Secretary's duties;
 - (iii) carry out the directions and instructions of the Branch Secretary;
 - (iv) in the absence of the Branch Secretary, the Branch Assistant Secretary shall carry out the duties of the Branch Secretary.
- (e) **Trustees** - Branch Trustees (if any) shall -
 - (i) Be responsible for the safe custody of all documents, securities and accumulated funds of the Branch; such documents, securities and funds shall be deposited by the Branch Secretary in the name of the Branch at a place determined by the Branch Committee of Management; and

- (ii) Act on a resolution of the Branch Committee of Management under the hands of the Branch President and Branch Secretary; and
 - (iii) Subject to direction of the Branch Committee of Management, control all property of the Branch; and
 - (iv) Invest any accumulated funds of the Branch in securities allowed by law as the Branch Committee of Management may direct.
- (f) **Organisers** - Branch Organisers shall
- (i) Be under the direct control and supervision of the Branch Secretary and shall perform such duties as may be allotted to them;
 - (ii) Carry out the directions and instructions of the Branch Secretary; and
 - (iii) Pay all moneys collected by them to the Branch Secretary or deposit moneys into the relevant Branch fund within one week of collection.
- (g) **Branch Industrial Officers** -
- (i) For the purpose of these Rules, the term "Branch Industrial Officer" shall include persons howsoever described or classified employed by the Branch Secretary with the authority of the Branch Committee of Management and acting under the direction of the Branch Secretary and performing duties in pursuit of the objects of the Union.
 - (ii) The Branch Industrial Officers shall be under the direct control and supervision of the Branch Secretary and shall perform such duties as may be allotted to them.
 - (iii) The Branch Industrial Officers shall assist the Branch Secretary in the performance of his duties and shall carry out his directions and instructions.
- (h) **Sub-Branch Officers** - Sub-Branch Officers shall be subject to the control and direction of the Branch Committee of Management as expressed through the Branch Secretary and, subject to the foregoing, the duties of Sub-Branch Officers shall be, insofar as relevant in respect to their Sub-Branch, the same as apply to Branch Officers.

45 - BRANCH OFFICER - HANDLING OF MONIES

- (a) Every Branch Secretary and every officer and every member of any Branch who collects or in to whose hands come any contributions or other monies due to the Union, or to the Branch shall in such manner as the Branch requires account for the same to the Branch within (7) days to the time at which he received such contributions, or monies.

- (b) Every such person receiving money and failing to hand such sums over within fourteen days following the collection may be summoned by the Branch Secretary to appear before the Branch Committee of Management to show cause why he should not be dealt with in accordance with the Rules of the Union.

46 - REFERENDUMS

(A) National Referendums

- (a) The National Council may submit a matter affecting all or a section of members to a referendum of financial members in the area affected.
- (b) Such referendum shall be conducted by the General Returning Officer with the assistance of the Deputy General Returning Officer or Officers concerned.
- (c) The National Council shall submit a matter to a postal referendum of financial members of the Union:-
 - (i) on the request of at least one half of the Branches of the Union acting through the Branch Committee of Management or a special meeting of the Branch; or
 - (ii) on a decision of the National Council
- (d) Any proposal that would involve a matter as described in Rule 46(D)(a) may only be put to a referendum in accordance with this Rule after a decision of National Council to do so pursuant to Rule 46(A)(c)(ii), and following upon compliance with Rule 46(D) and not otherwise.

(B) Branch Referendums

A referendum of all financial members of the Branch shall be held either on a decision of the Branch Committee of Management or if requested by a requisition in writing signed by financial members of the Branch the total number of whom shall not be less than 5 percent of the number of the financial members of the Branch calculated as at the 30 June in the previous year in accordance with the Rules. Such requisition shall be posted addressed to the Branch Secretary at the office of the Branch.

(C) Procedure and Effect of Referendum

- (a) The General Returning Officer shall, as soon as practicable after receipt of a copy of the requisition from the General Secretary or Branch Secretary conduct a referendum on the decision the subject of the requisition and may, subject to the Rules, issue such directions and instructions as he deems fit for the conduct and control of such referendum.

- (b) The General Returning Officer shall forward by pre-paid post to each financial member a ballot paper which has been initialled by him or bearing a facsimile to those initials with a reply paid envelope addressed to the General Returning Officer and such directions and instructions as he may deem necessary for the conduct of the referendum.
 - (c) Unless the General Returning Officer otherwise determines and directs the closing date for the ballot shall be twenty-one days after the date determined by him as the date of despatch of the ballot papers to the financial members of the Branch.
 - (d) The question or questions shall be decided by a simple majority of the financial members voting in such referendum.
 - (e)
 - (i) Any decision of a National referendum shall be binding on the Union, its National Council, its National Committee of Management and all officers and members of the Union and its Branches.
 - (ii) Any decision of a Branch referendum shall be binding on the Branch, its Committee of Management and the officers and members of the Branch.
- (D) Referenda concerning the Exercise of Certain Rule 8(A)(e) Powers
- (a) Where the National Council or National Committee of Management decides to arrange for Branches to amalgamate one with another or to reduce the territory of a Branch or to transfer members from a Branch or to disband or to close a Branch pursuant to a decision under Rule 8(A)(e) then the General Secretary shall as soon as practicable notify the Branch (or Branches in the case of an amalgamation proposal) by certified mail or facsimile of the terms of the decision.
 - (b) A Branch Committee of Management so notified may within 35 days from the date of the notification notify the General Secretary in writing of its request that the decision be submitted to a referendum of the financial members of the Branch.
 - (c) Where the National Council or National Committee of Management receives a request from a Branch Committee of Management for a referendum pursuant to Rule 46(D)(b), the National Council or National Committee of Management (as the case may be) must arrange for the conduct of a branch referendum pursuant to Sub Rule 46(C) hereof with the necessary changes, provided that any decision of the referendum shall be binding on the Union, its National Council, the National Committee of Management and all officers and members of the Union and its Branches.
 - (d) No proposal under Rule 46(D)(a) in relation to the exercise of a power of the National Council under Rule 8A(e) shall be effective unless the result of each Branch referendum held in accordance with this Rule 46 votes in favour of the proposal.

47 - ORDER OF BUSINESS

Unless otherwise determined by resolution the order of business shall be at ordinary meetings, of -

- (a) National Council -
 - (i) Delegates credentials.
 - (ii) Official opening.
 - (iii) President's address.
 - (iv) Confirmation of the previous minutes and the President shall thereupon sign the minute book in the presence of the meeting.
 - (v) Statement of Receipts and Expenditure, Auditors Report and appointment of Auditor.
 - (vi) Reports: General Secretary, Assistant General Secretary and Branches.
 - (vii) Determination of Agenda Items.
 - (viii) Any other business (arising only by correspondence from Branches).
 - (ix) Passing of accounts.
 - (x) Determination of date and venue of next National Council meeting.
- (b) A Branch where no Sub-Branches are constituted; Branch Committee of Management, Sub-Branch or Sub-Branch Executive Committee:
 - (i) Confirmation of minutes.
 - (ii) Business arising out of minutes.
 - (iii) Correspondence.
 - (iv) Passing of accounts.
 - (v) Reports.
 - (vi) General Business.
 - (vii) Notices of motion.

48 - STANDING ORDERS AND RULES OF DEBATE

The Standing Order and Rules of Debate shall be as follows:-

- (a) The first member who attracts the attention of the Chairman shall have precedence in appealing.

- (b) Members addressing the meeting shall direct their remarks to the Chairman, and at physical meetings shall remain standing while so doing.
- (c) No discussion shall take place on any motion or amendment unless such motion or amendment is duly proposed and after the mover is finished speaking, it is seconded. Any number of amendments may be proposed and discussed simultaneously with the motion.
- (d) When a motion shall have been duly proposed and seconded, the Chairman shall at once proceed to take the vote thereon, unless some member rises to oppose it, or to propose an amendment; but no amendment shall be in order unless notice be given to move same before the proposer of the motion has replied.
- (e) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if, at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendment shall be at once put to the meeting.
- (f) It shall be competent at any time during a debate for a member who has not already spoken to the question before the chair to move without discussion: "That the question be now put," which on being duly seconded and carried, shall entail the submission of the motion at once to the meeting after the mover has replied.
- (g) No member, except the mover, shall speak more than once on the same motion, except in explanation. The seconder of a motion must exhaust his right to speak at the time he seconds the motion or amendment.
- (h) The mover of a motion shall be allowed ten minutes for speaking in support of his motion; subsequent speakers five minutes; and the mover of the motion five minutes to reply. These times may be extended by resolution of the members, but in no case shall the time for discussion of any matter exceed sixty minutes including extension unless a resolution is carried by two-thirds of the members present for such an extension.
- (i) The mover only shall have the privilege of reply, after which the motion shall be forthwith put to the meeting.
- (j) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion submitted to the meeting.
- (k) The General or Branch President or Chairman, whose ruling shall be final, unless it is challenged by a formal motion submitted to the meeting.
- (l) An amendment to the motion being carried, the amendment then becomes the motion, and shall be forthwith put to the meeting.
- (m) Should any member present refuse or fail to exercise a vote his vote shall be recorded in the affirmative.

- (n) At all meetings within the Union persons entitled to vote shall have one vote only on any motion or question.

- (o) Moving Dissent from the Chairman's Ruling

Any member dissatisfied with the ruling of the Chairman may move a motion of dissent, as follows: "That the Chairman's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairman, without discussion, in the following manner:-

The question is "That the Chairman's ruling be dissented from." Those in favor of the motion "raise one hand." Those against the motion "raise one hand."

The mover only shall speak to the motion, except the Chairman, who may explain his reasons for the ruling given.

The Vice-Chairman shall not give a ruling on the question involved in the Chairman's ruling.

The Chairman's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairman without discussion.

- (p) Motion for Adjournment

A motion for the adjournment of any business or of any meeting may be proposed without discussion at any time during such meeting, and shall at once be put to the meeting by the Chairman.

Such adjournment shall follow, if carried by a vote of the members present.

49 - RESCISSIONS AND RECOMMITTALS

- (a) Matters decided by the National Council at any meeting shall not again be entertained at such meeting unless notice to rescind or recommit is given not later than the end of the session following the session when the matter was determined and then only if agreed by a majority of the delegates present at Council.
- (b) Subject to Rule 65 and Sub-Rule (a) of this Rule any resolution passed by the National Council or National Committee of Management at a meeting or by correspondence may be altered, amended, rescinded or recommitted by a subsequent resolution of the said Council or Committee of Management, passed at a meeting or by correspondence.
- (c) (i) When the Branch Committee of Management has made a decision, it shall have the full effect and be observed by all officers, members and employees of the Branch and of the Sub-Branches of that Branch.

- (ii) The Branch Committee of Management may reconsider the subject matter of any resolution at a subsequent meeting of the Committee on condition that notice of motion to do so is given at a meeting of such Committee and that notice of the intended reconsideration be given to all members of the Committee, and that the motion to reconsider is made special business at a subsequent meeting.

50 - POWERS AND DUTIES OF MEMBERS OF THE COMMITTEES OF THE UNION

In addition to any powers or duties elsewhere provided in these Rules the following shall apply to individual members of the Committees of the Union:-

- (a) the right to vote on any Committee of which he is a member; and
- (b) the duty to regularly attend meetings of any Committee of which he is a member.

52 - DECISIONS BY CORRESPONDENCE

The General Secretary may submit any matter to members of the National Council or National Committee of Management for decision by letter, facsimile, telex or other electronic mode and the relevant members shall express their decision thereon within the time specified by any such mode. Each member of the National Council or National Committee of Management shall be entitled to exercise a vote or number of votes equivalent to his voting entitlement at a meeting of the National Council or National Committee of Management as the case may be. The majority decision so made shall be a decision of National Council or National Committee of Management as the case may be.

The Branch Secretary may submit any matter to members of the Branch Committee of Management for decision by letter, facsimile, telex or other electronic mode and the members shall express their decision thereon within the timeframe specified by such mode.

52A - LEGAL PROCEEDINGS

All contributions, levies and other dues payable by members, insofar as they are owing for any period of membership subsequent to registration of the Union under the Industrial Relations Act 1988, may be sued for and recovered in the name of the Union in any Court of competent jurisdiction by the General Secretary or Branch Secretary or such other person authorised by resolution of the Branch Committee of Management of the Branch to which the member who is to be sued is attached.

53 - INDUSTRIAL AWARDS, AGREEMENTS AND DISPUTES

Federal Industrial Matters:

- (a) The National Council or the National Committee of Management may determine that any industrial dispute or any log of claims in respect of which an industrial dispute may be found to exist, shall be submitted to the Australian Industrial Relations Commission.

The General Secretary shall thereafter take or cause to be taken any action necessary to have the matter determined.

- (b) Notwithstanding any other provision in these Rules to the contrary, where the General Secretary is of the opinion that an industrial situation exists which is likely to give rise, or has given rise to an industrial dispute, he may by force of this Rule if he is of opinion that it is in the interests of the Union or any of its Branches so to do submit by notice, summons, memorial or otherwise the industrial dispute to any industrial tribunal or authority, and for that purpose do all things necessary for the full determination of the situation or dispute by the tribunal or authority.

Where an industrial dispute has been submitted to an industrial tribunal or authority, or an industrial agreement has been entered into in the manner prescribed by these Rules and at any time during the currency of the dispute or of any agreement, award, order or determination in respect thereof, if in the opinion of the General Secretary it becomes necessary to make any other or further application to re-open, or determination or agreement, the General Secretary is by force of this Rule authorised to do so and it shall be part of his duty to do all things necessary for the purpose aforesaid.

Where the General Secretary acts in pursuance of this clause he shall forthwith notify all Branches concerned of the action taken and the reasons therefore.

This clause shall not be read in derogation of any other right, power or duty arising under these Rules, but shall be read in aid of and supplementary to such other powers.

Provided that National Council or the National Committee of Management may from time to time determine that another person be appointed to act in place of the General Secretary in respect of any industrial dispute.

Whenever an industrial dispute occurs (whether or not such dispute is an industrial dispute within the meaning of the Industrial Relations Act 1988) in a State or Territory, and such dispute may affect members in another Branch or may affect an award, determination or industrial agreement of which the Union is a party, the Branch Secretary of the Branch concerned shall forthwith inform the General Secretary in writing of all relevant details of the industrial dispute.

When any dispute occurs involving members in more than one Branch, no action including a cessation of work shall be taken without the approval of the National Council or the National Committee of Management.

- (c) An industrial agreement which does not conform with arbitral award standards shall not be entered into by the Union until it has been approved by resolution of the National Council or National Committee of Management assembled in meeting.

Branches - State Industrial Matters:

- (d) An industrial dispute or other industrial matter either of which is solely confined to one State and such industrial dispute or other industrial matter is not the subject of an award, industrial agreement or determination made or covered pursuant to Sub-Rules (a), (b) or (c) of this Rule may where applicable state legislation permits, be submitted to the appropriate State tribunal which functions within the State concerned. All documents used in connexion with an industrial dispute or other industrial matter as defined in this clause shall be signed by the Branch Secretary of the Branch concerned, otherwise, the Branch Committee of Management of the Branch concerned is empowered to control or manage, by resolution at a meeting, an industrial dispute or other industrial matter not covered in Sub-Rules (a), (b) or (c) of this Rule.

53A - AUTHORISATION OF PROTECTED INDUSTRIAL ACTION

- (a) Without limiting any other right, power or duty arising under these Rules, industrial action that the Industrial Relations Act (or any replacement or successor Act) entitles the Union to organise or engage in may be authorised by:
- (i) the National Council;
 - (ii) the National Committee of Management;
 - (iii) the General Secretary;
- (b) Notwithstanding any other Rule, industrial action that the Industrial Relations Act (or any replacement or successor Act) entitles the Union to authorise or engage in may, subject to any decision or direction of National Council or National Committee of Management, be authorised by:
- (i) the Branch Committee of Management of the Branch to whom the members, officers or employees of the Branch involved in the industrial action belong; or
 - (ii) the Branch Secretary of the Branch to whom the members, officers or employees of the Branch involved in the industrial action belong,

and any such authorisation may be rescinded and revoked by decision of National Council or National Committee of Management.

54 - MEMBERSHIP

54.1 Application and Admission

54.1.1 An applicant for membership of the Union shall forward or cause to be forwarded to the Branch Secretary of the Branch to which he/she would, if admitted to membership be attached under Rule 37, the following:

- (a) An application for membership on a form approved by the Branch Committee of Management for that purpose; or

- (b) An application for membership by telephone; or
- (c) An application for membership via the internet or email.

54.1.2 Every person making application to become a member of the Union shall be informed in writing of the financial obligations arising from membership, including the frequency of membership contributions so as to retain financial membership, and the circumstances, and the manner, in which a member may resign from the Union.

54.1.3 No error, omission or want of form in connection with any application for membership shall invalidate membership.

54.1.4 Subject to these Rules and subject to the Act every person shall become a member of the Union immediately upon making an application pursuant to Rule 54.1.1 unless at the next General or Committee of Management Meeting of the Branch to which the application is submitted objection is taken to the admission of such person. In the event of objection being taken to the admission of the applicant, such applicant shall be admitted upon a majority of the members assembled at such meeting voting in favour of the admission of the applicant, but not otherwise.

54.1.5 No member shall be a member of more than one Branch of the Union.

54.2 Resignation and Cessation of Membership

54.2.1 Any member of the Union who ceases to be eligible for membership of the Union as described in Rule 5, through any cause or any member who has not made any payment whatsoever of union contributions for 24 months may have their membership of the Union cancelled by a resolution carried at a meeting of the Committee of Management of the Branch of which they are a member.

54.2.2 Any member whose membership is cancelled pursuant to Rule 54.2.1 shall have a right of appeal to the National Council against such cancellation and the decision of the National Council shall be final.

54.2.3 Any member or former member may be sued for any outstanding contribution, fines and levies. The member whose membership of the Union has been so cancelled shall be advised in writing accordingly by the General Secretary or the Branch Secretary as the case may be.

54.2.4 Notwithstanding anything elsewhere contained within this Rule a cancellation of a persons membership shall not proceed unless the Branch concerned has taken reasonable steps to inform the member concerned of the proposed cancellation as well as providing the member an opportunity to bring all relevant consideration to the notice of the Branch Committee of Management

54.2.5 A member of the Union may resign from membership by written notice addressed and delivered to the Secretary of the Branch to which such member belongs.

54.2.6 A notice of resignation from membership of the Union takes effect:

(a) where the member ceases to be eligible to become a member of the Union:

- (i) on the day on which the notice is received by the Union; or
- (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;

whichever is later; or

(b) in any other case:

- (i) at the end of 2 weeks after the notice is received by the Union; or
- (ii) on the day specified in the notice;

whichever is later.

54.2.7 A notice of resignation which is received by the Union or the Branch is not invalidated by reason of the fact that it has not been addressed and delivered in accordance with Sub-Rule 54.2.5.

54.2.8 A resignation of membership of the Union is valid notwithstanding that it is not effected in accordance with this Rule if the member is informed in writing by the General Secretary of the Union or Secretary of the Branch that his resignation has been accepted.

54.2.9 A notice delivered under Sub-Rule 54.2.5 shall be taken to have been received by the Union when it was delivered.

54.2.10 Any dues payable but not paid by a former member of the Union in relation to a period before the member's resignation from the Union took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the Union.

54.3 Membership Contributions

54.3.1 Subject to Rule 71 the amount of contributions payable by members shall be the amount from time to time determined by National Council or where the National Council has fixed a range of contributions the amount within that range determined by the Branch Committee of Management. Provided that each Branch Committee of Management shall have the power to fix an additional amount of contributions.

54.3.2 Contributions shall be payable in a manner, at a timing and at such intervals as determined by each Branch Committee of Management.

In addition, the Branch Committee of Management may determine to accept the payment of contributions by electronic transfer through an on-line payment portal or by periodic direct debit from a bank, building society, credit or other like account. When payable by on-line payment and or direct debit, contributions shall be payable on the periodic basis that is determined by the Branch Committee of Management.

54.3.3 All contributions and levies imposed by the National Council for the purposes of the National Council shall be paid to and collected by each Branch Secretary or his authorised Agent on behalf of the National Council.

54.3.4 Notwithstanding anything contained in these Rules a Branch may make arrangements with an employer (including any Government Department) for deducting on the authority of a member amounts payable to the Union by way of contributions, levies, fines and fees from the wages or monies payable to the member. So long as the authority by the member for the deduction of contributions, levies, fines and fees in a form acceptable to the Branch, remains in force the member shall be deemed financial notwithstanding that the payments are not made in advance as required by these Rules.

54.3.5 A record shall be kept at all times of the contributions, levies, fines and fees paid by each member of the Union. Such records to be kept at each Branch office and produced on request to the General Secretary or Branch Auditor.

54.4 Unfinancial Members

Subject to these Rules, any member who fails to pay contributions, levies, fines and fees as prescribed by these Rules, shall be deemed to be unfinancial until all such amounts have been paid and shall be debarred from all benefits, privileges or rights whatsoever connected with membership of the Union

54.5 Categories of Membership

The National Council may from time to time determine categories of membership to be adopted by branches in order to maintain membership systems and the requirements of Rule 56.

55 - DELETED

56 - REGISTER

- (a) The General Secretary shall keep or cause to be kept at the National office of the Union a register of:
- (i) the name, postal address and occupation of each officer of the Union; and
 - (ii) each member who, for the time being, resides in a State or Territory where no Branch is constituted.

Such register shall be available for inspection by a Registrar established under the Industrial Relations Act 1988 or any person appointed by him.

- (b) The Branch Secretary of each Branch shall keep or cause to be kept at the respective Branch office a register of the membership consisting of membership number, name, address and date of enrolment of each member.

The register of membership shall be available to the General Secretary on request. The Branch Secretary shall ensure that the register includes a record of which Sub-Rule of Rule 5 a member was admitted pursuant to. Such register shall be available for inspection by a Registrar established under the Industrial Relations Act 1988 or any person appointed by him.

57 - AGREEMENTS WITH STATE REGISTERED UNIONS

National Council may subject to the Industrial Relations Act 1988 enter into agreements with State registered unions to the effect that members of the State registered union concerned who are ineligible State members (that is members of the State registered union who are ineligible to be members of the Union) are eligible to become members of the Union under the agreement.

58 - DELETED

59 - DELETED

60 - DELETED

61 - DELETED

62 - DELETED

63 – DELETED

64 - DELETED

65 - RULES - OPERATION, AMENDMENT OR RESCISSION

- (1) National Council shall have power to alter, amend, revise, rescind or add to these Rules ("alter the Rules"):-
 - (i) by decision reached in accordance with Rule 52 subject to Sub-Rule (2) of this Rule; or
 - (ii) at any meeting of National Council held in accordance with Rule 10 subject to Sub-Rule (3) of this Rule.
- (2) When any proposal to alter the Rules is submitted for decision in accordance with Rule 52:-
 - (i) the General Secretary shall specify a time of not less than 28 days for members of National Council to express their decisions; and
 - (ii) if at the end of the time specified a majority of members have not opposed the proposal to alter the Rules it shall thereupon be taken to have been approved by National Council.
- (3) In the case of meetings of National Council held in accordance with Rule 10:-
 - (i) notice of any proposal to alter the Rules shall be given to each member of National Council at least 28 days before the meeting;
 - (ii) if a majority of votes recorded are in favour of the proposal to alter the Rules it shall be taken to have been approved by National Council;
 - (iii) if any proposal to alter the Rules is amended by National Council and two-thirds or more of votes recorded are in favour of the amended proposal it shall be taken to have been approved by National Council;
 - (iv) if any proposal to alter the Rules is amended by National Council and a majority but less than two-thirds of votes recorded are in favour of the amended proposal then the General Secretary shall as soon as practicable notify each Branch by certified mail or facsimile of the amended proposal and unless at the end of 35 days after the date of the General Secretary's notice a majority of Branches have notified the General Secretary in writing of their opposition to it, the amended proposal shall thereupon be taken to have been approved by National Council.

- (4) After any proposal to alter the Rules or any amended proposal to alter the Rules have been approved by National Council in accordance with this Rule the General Secretary shall as soon as practicable take all steps necessary to have the alteration/s take effect in accordance with the Industrial Relations Act 1988.
- (5) The National Council or National Committee of Management may at any time, make or amend any of these Rules so as to comply with the requirements of the Industrial Relations Act 1988 as amended. Notwithstanding the foregoing the National Committee of Management may at any time amend any proposed Rule alteration processed in accordance with this Rule in order to ensure such a proposed Rule alteration complies with the requirements of the Industrial Relations Act 1988. Provided that any such amendment shall be within the scope and intent of the original proposed Rule alteration.

Without limiting the generality of the foregoing such requirements shall be deemed to include any advice provided by a Registrar so as to enable the proposed Rule to conform with the Registrar's powers under section 205 of the Industrial Relations Act 1988.

66 - RULES TO BE MADE AVAILABLE TO MEMBERS

The National Office shall cause a copy of these Rules to be posted on the Unions website.

A member may request and will be provided with a copy of these Rules by their respective Branch.

In no case shall the want of knowledge be accepted as a plea for the non-compliance with any of the said Rules

67 - OFFENCES AND PENALTIES

- (1) In addition to rules 26 and 42, any officer or member of the Union may charge any other officer or member of the Union with:-
 - (a) Failing to observe or acting contrary to the Rules of the Union or any of them;
 - (b) Misappropriation of the funds of the Union;
 - (c) Knowingly failing to observe any resolution of the National Council and National Committee of Management or Branch Committee of Management Sub-Branch to which he belongs;
 - (d) Giving false or misleading information to the National Council and National Committee of Management or Branch Committee of Management or Sub-Branch or any officer of the Union on a matter which is the concern of the Union;
 - (e) Obstructing the National Council and National Committee of Management, Branch Committee of Management or Sub-Branch or any other lawful Committee or body of the Union, in any way in the performance of any of its functions;

- (f) Obstructing any officer in the course of his duties;
 - (g) After having been reasonably requested to assist, failing to assist any lawful Committee or body of the Union in any way in the performance of any of its functions;
 - (h) After having been reasonably requested to assist, failing to assist any officer in the course of his duties;
 - (i) Wrongfully holding the member out as occupying any office in the Union or any Branch or Sub-Branch thereof, or as being entitled to represent the Union or any Branch or Sub-Branch in any capacity (to which charge it shall be a defence that the member believed bona fide and on reasonable ground that he was entitled so to act);
 - (j) Lending or selling his contribution book, receipt, badge, OK card or other document used to identify a member or financial member;
 - (k) Aiding or encouraging any other member in any offence under this Rule.
 - (l) In addition to and without limiting the above, in the case of officers, a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the rules to be eligible to hold office.
- (2) Officials and delegates receiving money and failing to hand such sums over within seven days following the collection shall be summoned by the Branch Secretary to appear before the Branch Committee of Management to show cause why he should not be dealt with in accordance with the Rules of the Union.
- (3) Any charge alleging that a member has been guilty of one or more of the offences in Sub-Rule (1) of this Rule shall be in writing signed by the member laying the charge and shall be delivered to the General Secretary and the Branch Secretary. Such charge shall state clearly the nature of each of the offences alleged the date or dates of the occurrence of the offence alleged and shall also contain particulars of the alleged facts on which the charge is based.
- (4) In the case of National Officers, the National Committee of Management and in any other case at the discretion of the National Committee of Management, the National Committee of Management or the Committee of Management of the Branch to which the members laying the charge and the members charged belong shall have power to hear and determine the charges.
- (5) The member charged shall be summoned by the General Secretary or the Branch Secretary to attend before the National Committee of Management or Branch Committee of Management (as the case may be). The summons shall be in writing and delivered to his last known address. It shall state the time and place of the hearing, the name of the member laying the charge and a copy of the charge. The member so charged shall be given fourteen days notice of the hearing.

- (6) At the appointed time and place (or at such time and place which the matter is adjourned or postponed to and of which the member charged is notified) the National Committee of Management or the Branch Committee of Management may proceed with the hearing notwithstanding the absence of the person charged if due notice of the hearing has been given in accordance with this Rule and no satisfactory explanation of his absence has been received within a reasonable time. The member charged shall be given a reasonable opportunity to defend him herself.
- (7) If the National Committee of Management or the Branch Committee of Management finds the member guilty it may do any one or more of the following:
- (a) impose no penalty;
 - (b) impose a penalty not exceeding \$500;
 - (c) reprimand or censure the member;
 - (d) suspend the member from membership or deprive the member of any right or benefit of membership for any specified period or until the happening of any specific event or until the performance of any specified act. Suspension from membership shall deprive a member of the benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any offence. If the specified event has not occurred or the specified act has not been done at the expiration of six months from the date of suspension, the suspension shall then lapse;
 - (e) dismiss the member from any office. Provided that no member shall be removed from office unless the member has been found guilty under the Rules of the Union of misappropriation of the Funds of the Union, a substantial breach of the Rules of the Union, or gross misbehaviour or gross neglect of duty, or has ceased according to the rules to be eligible to hold office;
 - (f) expel the member from the Union.
- (8) A member found guilty of an offence under this Rule or a member laying a charge under this rule may appeal to the National Committee of Management or to the National Council if the charge was originally heard by the National Committee of Management. Such appeal shall state in detail the grounds of the appeal, and shall be lodged with the General Secretary within 14 days of the member being notified of the decision of the National Committee of Management or the Branch Committee of Management.

The General Secretary shall place the appeal before the next meeting of the National Council or National Committee of Management (as the case may be) which shall decide whether or not it proposes to consider the appeal at that meeting or at a later meeting. The National Council or National Committee of Management (as the case may be) shall subject to the Rules determine its own procedures for the hearing of appeals and shall have power to determine the appeal or vary any penalty imposed by the National Committee of Management or the Branch Committee of Management.

68 - SALARIES, ANNUAL LEAVE, LONG SERVICE LEAVE

- (a) The National Council is hereby empowered and shall from time to time fix or cause to be fixed salaries, allowances or any other monetary reward whatsoever including monetary gifts paid to a person holding an office or otherwise employed or formerly holding an office or otherwise formerly employed by the Union at its National office.
- (b) Each Branch Committee of Management is hereby empowered and shall from time to time fix or cause to be fixed salaries, allowances or any other monetary reward whatsoever including monetary gifts paid to a person holding an office or otherwise formerly employed at the Branch concerned.
- (c) An officer or employee of the Union shall not accept employment outside the Union for which he or she receives remuneration unless permission is given by the National Council or by the Branch Committee of Management, as the case may be. In considering any request to accept outside employment the National Council or Branch Committee of Management may determine whether or not the salary and other employment benefits should be adjusted or abated against the remuneration and employment benefits provided by the Union
- (d) An employee of the Union shall be granted four weeks annual leave after each completed twelve months service. The leave shall be taken at a time mutually agreed upon; leave not granted or mutually agreed be not taken shall accumulate from year to year and payment for such accumulated leave shall be paid upon termination of employment. From amalgamation day officers and employees shall be entitled to a 25 percent annual leave loading.
- (e) The entitlement of full time paid Officers and employees of the Union both National and Branch to long service leave shall be as follows:-
 - (i) For ten years continuous service - 13 weeks (inclusive of public holidays therein).
 - (ii) For every further completed period of five years continuous service - 6.5 weeks additional leave (inclusive of public holidays therein).
 - (iii) Long Service Leave entitlement shall accrue on a pro-rata basis.

Such long service leave may be granted in full or in part at any time after becoming due. Any time not granted in accordance with the foregoing shall be paid for upon termination of engagement of an employee as a retiring allowance at the full pay he was in receipt of at the date of such termination of engagement.

In the event of the death of an employee (including an officer) referred to in this Rule, all long service leave payment due to such employee shall be paid to the employee's dependant or to such person or persons as shall be determined by the Committee of Management concerned.

Where an employee, whether he has previously qualified for long service leave in accordance with the foregoing or not, has completed a period of five years or more but less than ten years service (but not including any period in respect of which he has already received long service leave) and the service of that employee is terminated for any reason, he shall be paid pro-rata for such period.

- (f) Deleted.
- (g) (i) Should any dispute arise under this Rule the matter shall be determined by the National Council, whose decision shall be final and conclusive.
- (ii) "Employee" for the purpose of this Rule includes a person holding an office on a full-time basis.
- (iii) "Service" for the purpose of this Rule shall include service for any other Union which may be amalgamated with this Union from time to time and 'service' means the period during which the employee has served the Union under an unbroken contract of employment; provided that the contract of employment shall be deemed not to have been broken by reason of an interruption or determination if the interruption or determination is one referred to in paragraph (a), (b), (c) or (d) of clause 5(1) of the Transport Workers (Airways) Long Service Leave Award 1968 as at 30th April 1984 and provided further that the period during which the employment has been so interrupted or determined shall not, except when due to the reasons referred to in paragraph (a) of the said Award, be taken into account in calculating the period of service.

69 - SUPERANNUATION FUND

National Council shall make such arrangement as it so determines from time to time so as to provide adequate Superannuation and Retirement provisions for Union Officers, employees and members.

70 - AMALGAMATION

If at any time it shall be considered necessary or desirable in the general interests of the Union to amalgamate with any other Union or Unions, and subject to the consent of the National Committee of Management having been first obtained, the National Council is hereby empowered to enter into negotiations and to agree upon terms for any such amalgamation provided that no such amalgamation shall be contrary to provisions of the Industrial Relations Act 1988 as amended.

71 - NSW (NUW) BRANCH - SPECIAL RULE(1) NSW (NUW) Branch State Trade Union Arrangements

The following provisions shall apply in respect of the NUW Branch in the State of New South Wales (in this rule called 'the NSW Branch'). Nothing contained in this rule shall affect the application of any other rule to the New South Wales Branch and to the holders of offices within and to the members of the Branch, except insofar as this rule may be inconsistent with another rule in which event the provisions of this rule shall prevail to the extent of any such inconsistency. For the purpose of this rule the "State Trade Union" shall mean the National Union of Workers New South Wales Branch, an industrial union of employees registered under the Industrial Relations Act 1996 (NSW).

(2) Intention of Rule

The provisions of this Rule are intended to promote consistency between the operations, administration, funds and resources of the NSW Branch and the State Trade Union in an orderly and expeditious fashion.

(3) Continuity of Membership

Any member of the State Trade Union who becomes a member of the Union shall be deemed to be a financial member of the Union to the extent that they are a financial member of the State Trade Union at the time of becoming a member of the Union.

(4) Financial Membership Arrangements

Any period of financial membership of the State Trade Union immediately preceding membership of the Union shall be deemed to be financial membership of the Union for all purposes of these Rules.

(5) Membership Contributions

- (i) Any person signing an application for membership of the State Trade Union or the Union or paying the prescribed contribution for membership to the State Trade Union or the Union shall pay the prescribed contribution to the State Secretary of the State Trade Union or the New South Wales Branch of the Union.
- (ii) Payment by a person to the State Trade Union of the prescribed membership contribution under the rules of the State Trade Union shall also constitute an application for membership of the Union and payment by a person to the New South Wales Branch of the Union of the prescribed membership contribution shall, where the Rules of the State Trade Union permit, also constitute an application for membership of the State Trade Union, provided that a member shall be required to make only one membership contribution in order to have full financial membership of the State Trade Union and the Union.

(6) Entrance Fee

No entrance fee shall be payable by any person who is a member of the State Trade Union or its predecessor at the time of becoming a member of the Union.

(7) Sustentation Fees

- (a) The Secretary of the NSW Branch shall make sustentation payments to the National Conference pursuant to Rule 33(a).
- (b) The State Trade Union has agreed to ensure pursuant to a Section 202 agreement, that the membership contributions received by it from each member pursuant to its rules shall be included in the calculation of the amount of sustentation payments to be provided by the Branch Secretary of the NSW Branch pursuant to Rule 33(a). Save and except that any payment made shall be deemed for the purpose of these rules to have been made by the Branch Secretary of the NSW Branch except insofar as a greater obligation would attach to the State Trade Union in which case the State Trade Union shall make such greater payment pursuant to this rule for so long as the said agreement remains in force.

(8) Unfinancial Members

Each member of the Union who is also a member of the State Trade Union who fails to pay contributions or levies as prescribed herein shall be deemed to be unfinancial until all such contributions or levies have been paid.

(9) Requisition for Meetings

- (a) Upon being requested in writing by 30 financial members of the Branch, the Branch Secretary shall call a General meeting of the Branch to deal with the business set out in such requisition.
- (b) A member signing a requisition for a meeting shall attend such meeting, unless the member has reasonable cause for such absence.
- (c) The provisions of paragraph (b) of this Sub-Rule shall be placed on the top of any requisition presented to members for their signature.
- (d) Notice of any meeting pursuant to this Sub-Rule shall be given at least three days prior to such meeting by an advertisement in the Sydney Morning Herald and, additionally, at the discretion of the Branch Secretary, by any other advertisement or by circular.

(10) Finance Committee

- (a) The Finance Committee shall consist of the Branch President or their nominee, the Branch Secretary or their nominee, the Trustees of the Branch, and one representative from each of the 5 areas of eligibility set out in rule 71(9)(i)(f)(A) or their individual nominees.

- (b) The Finance Committee shall meet monthly and at such other time as may be required by the Branch Secretary.
- (c) Notice of Finance Committee meetings shall be given at least three days prior to such meeting and shall be either verbal or by letter, telex, facsimile or telephone.
- (d) The Finance Committee shall advise the Branch Committee of Management on all matters concerned with finance, shall inspect all accounts in connection with the Branch and recommend to the Branch Committee of Management the disbursement of funds. A monthly statement of financial transactions of the Branch shall be presented to the Branch Committee of Management and to each General Meeting.
- (e) The Finance Committee shall advise the Branch Committee of Management upon all financial matters and the financial stability of the Branch and how such may be maintained and strengthened.
- (f) The Finance Committee shall be subject to the control and direction of the Branch Committee of Management in all matters and the Branch Committee of Management shall not be bound to accept any advice or recommendation provided to it by the Finance Committee.
- (g) The quorum of the Finance Committee shall be a majority of the members eligible to attend such meeting.

(11) Financial Card

Every financial member, on making application to the Secretary of the Branch at the registered office of the Union, shall be supplied with a financial card or suitable financial document, which the member shall carry when seeking work and also when employed, and such a card shall be the property of the Union and shall be produced on demand by any officer or accredited representative of the Union. Any member refusing to produce his financial card when so demanded may be disciplined in accordance with the provisions of rule 67. Any member losing his financial card shall report the same to the Branch Committee of Management within seven (7) days. The Union card issued to members for the preceding year shall be returned to the Branch Secretary prior to receiving the new financial card.

72 - VICTORIAN BRANCH SPECIAL RULE - "DELETED"

73 - DISPUTES WITHIN THE UNION

In the event of a dispute:-

- (a) Between any joint office holders concerning the appropriate functioning of that office and the exercise of powers of that office pursuant to these Rules, such dispute shall be referred to the National Committee of Management as soon as practicable for determination.

- (b) Between any two or more Branches in connection with the enrolment of any person or persons as members of a Branch (or Branches) such dispute shall be referred to the National Committee of Management as soon as practicable for determination.

Nothing in this Rule shall be deemed to negate the power of National Council to review the decision of National Committee of Management. Subject to the above proviso, any determination duly made shall be final and binding on all officers and members of the Union.

74 - UNION MEDALLION

A Branch Committee of Management of the National Committee of Management may award a financial member of the Union, a Union Medallion in recognition of their work for the Union.

Such award may only be made to members who have made a significant contribution to the work of the Union and its membership.

75 - HONORARY LIFE MEMBERSHIP

- (a) National Council, may upon the recommendation of the National Committee of Management, grant honorary membership to any member of the Union subject to the conditions contained in this Rule.
- (b) Honorary membership may be granted to any member of the Union who:
- (i) is no longer engaged in the industries and callings contained in Rule 4 of these Rules; and
 - (ii) has been a member of good standing in the Union including but not limited to:
 - 1. having demonstrated achievement at a high level of benefit to the Union and its members; and/or
 - 2. made a significant contribution to the Union; and/or
 - 3. demonstrated service to the Union that is worthy of recognition.
- (c) Any person granted honorary membership shall not be entitled to stand for election to any office in the Union.
- (d) Notwithstanding anything contained elsewhere in this Rule:
- (i) an honorary member who was an honorary member prior to the date of the commencement of operation of this rule 28 August 2007 shall continue to be an honorary member;
 - (ii) nothing shall prevent the National Council granting honorary membership posthumously.

75A – ASSOCIATE COMMUNITY MEMBERSHIP

- (a) Any person who is not eligible to be a member of the Union shall be entitled to become an Associate Community member of the Union and may be admitted to Associate Membership by the National Committee of Management.
- (b) An Associate Community Member shall receive such benefits of membership as may be determined from time to time by the National Committee of Management but shall not be entitled:
 - (i) to hold any office in or to nominate any person for election to any office in or to vote or otherwise participate in any way in any ballot, plebiscite or election in the Union; or
 - (ii) to any rights or privileges of membership.
- (c) Associate Community membership shall not in any way be construed as membership for the purposes of the assessment and/or reporting of the number of members of the Union.
- (d) The National Committee of Management may from time to time determine the fee for any category of Associate Membership of the Union.

76 – TRANSITIONAL ARRANGEMENTS – GENERAL BRANCH

(1) PURPOSE

The purpose of rule 76 is to alter the Rules so as to give effect to the decisions of the members of the union pursuant to rule 46(A)(c)(ii) to:

- (a) re-name the Central Branch the General Branch;
- (b) disband the Central Branch sub-branches and create Member Consultative Committees.
- (c) allocate to the General Branch the territory within which the Queensland Branch, the South Australia Branch and the Western Australia Branch operate;
- (d) transfer to the General Branch members from the Queensland Branch, the South Australia Branch, and the Western Australia Branch, and members who are eligible for membership of the Union in accordance with rules 5(D)(2);
- (e) disband the Queensland Branch, the South Australia Branch and the Western Australia Branch (“the disbanding branches”); and
- (f) transfer the funds and property of the disbanding branches to the National Fund.

(2) OPERATION & APPLICATION OF THIS RULE

- (a) Rule 76 takes effect on the day of certification of the alteration of the Rules under Clause 159(1) of Schedule 1 to the Workplace Relations Act 1996 to insert rule 76 (“Commencement Day”).

- (b) Rule 76 shall operate until midnight on 5 September 2010.
- (c) Rule 76 will prevail over anything elsewhere contained in the Rules, to the extent of any inconsistency.

(3) RENAMING OF GENERAL BRANCH

On Commencement Day Central Branch will be renamed as General Branch and have the territory and membership eligibility described in rule 37(3).

(4) TRANSFER OF MEMBERSHIP

- (a) On Commencement Day each person who on the day immediately preceding Commencement Day was a member of a disbanding branch or a member eligible for membership of the Union in accordance with rules 5(D)(2) (and not already a member of the Central Branch) will become a member of the General Branch (“transferring member”).

- (b) Periods of membership of transferring members on the day immediately preceding Commencement Day will be considered to be periods of membership of the General Branch on Commencement Day for all purposes of the Rules.
- (5) DISBAND QUEENSLAND BRANCH, SOUTH AUSTRALIAN BRANCH, WESTERN AUSTRALIAN BRANCH AND CENTRAL BRANCH SUB-BRANCHES.**
- (a) On Commencement Day the disbanding branches will close.
- (b) The funds and property of the disbanding branches as at midnight on the day immediately preceding Commencement Day will become part of the National Fund.
- (c) On Commencement Day the sub-branches of central branch will be disbanded and all offices therein abolished.
- (6) GENERAL BRANCH – OFFICES & COMMITTEE OF MANAGEMENT**
- (a) On the Commencement Day the offices set out in Column A of the table in Schedule 1 are abolished.
- (b) On the Commencement Day the offices of the Column B of the table in Schedule 1 are renamed as set out in Column C.
- (c) On the Commencement Day the offices of the General Branch Committee of Management will be as set out in Column C of the table in Schedule 1.
- (d) Subject to Rule 76(8), on the Commencement Day the occupants of the offices of General Branch Committee of Management will be as set out in Column C of Schedule 1, each being a person who on the day immediately preceding Commencement Day held the corresponding office specified in Column A or B of Schedule 1.
- (e) Subject to any adjustment caused by rounding, General Branch Committee of Management may exercise a total of 1000 votes, based on a notional allocation of votes to Central Branch and to each of the disbanding branches in proportion to their membership as follows:
- | | |
|---------------------------|-----------|
| Central Branch | 200 votes |
| Queensland Branch | 400 votes |
| South Australian Branch | 250 votes |
| Western Australian Branch | 150 votes |

- (f) The number of votes that may be exercised by a GBCOM member will be determined as follows:
- (i) identify the number of votes notionally allocated (as shown in rule 76(6)(e) above) to the branch that the General Branch Committee of Management member was a member of on the day immediately preceding Commencement Day (“the Committee Members’ Former Branch”);
 - (ii) divide that figure by the number of members of the Committee Members’ Former Branch who are now members of the General Branch Committee of Management (including any of those persons who held the office of President, Vice President or Secretary); and
 - (iii) round to the nearest whole number (as if rule 7(2)(c) applied).
 - (iv) If, as a consequence of rounding, the number of votes that may be exercised exceeds the numbers provided for in Rule 76(6)(e), the exercise of the larger number of votes shall be deemed to comply with Rule 76(6)(e).
- (g) Any dispute concerning the number of votes that may be exercised by a GBCOM member under this rule 76(6) will be determined by resolution of National Committee of Management.

(7) GENERAL BRANCH – NATIONAL COUNCIL DELEGATES

Subject to rule 76(9), on Commencement Day the delegates representing General Branch at National Council will be those persons identified in Schedule 2, each being a person who on the day immediately preceding Commencement Day was a delegate representing one of the disbanding branches or Central Branch at National Council.

(8) CASUAL VACANCY

- (a) This rule 76(8) provides for the filling of a casual vacancy in an office identified in Schedules 1 or 2 during the term, otherwise than by an election held in accordance with rule 13. A casual vacancy includes a situation in which a person identified in Schedules 1 or 2 is not available on Commencement Day to assume or hold the office specified in the schedule.
- (b) For the purposes of this clause 76(8) “term”, means the period commencing on or after Commencement Day and ending at midnight on the day before a person takes office after being declared elected to that office in accordance with rule 13 at the next ordinary elections to be held following the Commencement Day.
- (c) If a casual vacancy in an office identified in Schedules 1 or 2 arises during the term, then the National Committee of Management may appoint to the office a member eligible to hold the office.

- (d) Subject to the Rules, a member appointed to an office under rule 76(8) may hold that office during the term and will be entitled to exercise the same number of votes as the person vacating the office.

(9) ELECTIONS

- (a) Subject to the rules, elections for all offices in the General Branch will be held in accordance with Rule 13 at the next ordinary elections to be held following the Commencement Day for the other offices of the Union and thereafter every 4 years in accordance with Rule 13.
- (b) Subject to the rules, each person holding an office in the General Branch identified in Schedule 1 or 2 may hold that office until the person declared elected in accordance with Rule 13 at the next ordinary elections to be held following the Commencement Day takes office.

SCHEDULE 1

	Column A	Column B	Column C
Name	Abolished Office	Re-Named Office	General Branch Office
Central Branch			
Kevin Back	-	President	President
Doug Stevens	-	Secretary	Secretary
Tim Gough	Sub-Branch Secretary	Committee of Management Member	Committee of Management Member
Edward Milczareck	Sub-Branch Secretary	Committee of Management Member	Committee of Management Member
Phillip Scheid	Sub-Branch Secretary	Committee of Management Member	Committee of Management Member
Bill Bolitho	Sub-Branch Secretary	Committee of Management Member	Committee of Management Member
Queensland Branch			
Geoffrey Alan Singh	President		Vice President
Christine Violet Flage	Vice President		Committee of Management Member
John Cosgrove	Secretary	-	Committee of Management Member
Tara Forbes	Committee of Management Member		Committee of Management Member
Wendy Cooke	Committee of Management Member		Committee of Management Member
Michael Connors	Committee of Management Member		Committee of Management Member
Leslie John Seaman	Organiser	-	Committee of Management Member
Russell Vieritz	Organiser	-	Committee of Management Member
Western Australian Branch			
Alexander Miskiewicz	President		Vice President
Graham Gilchrist	Senior Vice President		Committee of Management Member
Peter Toy	Junior Vice President		Committee of Management Member
Martin Pritchard	Secretary	-	Committee of Management Member
Joe Bullock	Assistant Secretary	-	Committee of Management Member
George Hawkins	Committee of Management Member		Committee of Management Member
Keith Mann	Committee of Management Member		Committee of Management Member
Alison Rushack	Committee of Management Member		Committee of Management Member
Christopher Saitich	Committee of Management Member	-	Committee of Management Member
Sebastiano Scata	Committee of Management Member		Committee of Management Member
South Australian Branch			
Kaye Clavell	President		Vice President
Allan Warne	Senior Vice President		Committee of Management Member
Trish Watts	Junior Vice President		Committee of Management Member

	Column A	Column B	Column C
Name	Abolished Office	Re-Named Office	General Branch Office
Nick Thredgold	Secretary	-	Committee of Management Member
Bronte Allen	Committee of Management Member		Committee of Management Member
John Beenham	Committee of Management Member		Committee of Management Member
Walter Matthews	Committee of Management Member		Committee of Management Member
Edward Sloneic	Committee of Management Member		Committee of Management Member
Alison Street	Committee of Management Member		Committee of Management Member
Andrew Bridges	Committee of Management Member		Committee of Management Member
Timothy Palmer	Committee of Management Member		Committee of Management Member
Mark Whenan	Committee of Management Member		Committee of Management Member
Robert Nelson	Committee of Management Member		Committee of Management Member
Richard O'Connell	Committee of Management Member		Committee of Management Member

SCHEDULE 2 – GENERAL BRANCH – NATIONAL COUNCIL DELEGATES

On the Commencement Day, the Delegates of General Branch to National Council shall be as follows:

Name	Office in Central Branch or in Disbanded Branch	Office in General Branch
Edward Milczareck	Reserve National Council Delegate (Central Branch)	National Council Delegate (General Branch)
John Cosgrove	National Council Delegate (Queensland Branch)	National Council Delegate (General Branch)
Geoffrey Alan Singh	National Council Delegate (Queensland Branch)	National Council Delegate (General Branch)
Russell Vieritz	Alternate National Council Delegate (Queensland Branch)	Alternate National Council Delegate (General Branch)
Martin Pritchard	National Council Delegate (Western Australian Branch)	National Council Delegate (General Branch)
Joseph Bullock	Reserve National Council Delegate (Western Australian Branch)	Reserve National Council Delegate (General Branch)
Nick Thredgold	National Council Delegate (SA Branch)	National Council Delegate (General Branch)
Kaye Clavell	National Council Delegate (SA Branch)	National Council Delegate (General Branch)
Mary Hajistassi	Reserve National Council Delegate (SA Branch)	Reserve National Council Delegate (General Branch)

END OF RULES