



Pro-Choice Union Industrial Organisation of Employees, Queensland - Constitution

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Date: 12/10/2023

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Rules of Pro-Choice Union

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PART 1 – ABOUT THE UNION

RULE 1 – NAME

"Pro-Choice Union, Industrial Organisation of Employees, Queensland" is the name of the Union".

RULE 2 – NATIONAL OFFICE

The head office of the Union is to be the National Office and the Office of the National Secretary. The National Office will be in South East Queensland or such other place as the National Conference or National Executive may from time to time decide.

RULE 3 – OBJECTS

Pro-Choice Union ("Union") shall always conduct its duty with integrity, honesty, fairness and comply with all relevant laws, regulations, and codes for the benefit of its members. In an effort to;

- (1) protect its member's rights and interests within their employment;
- (2) ensure a safe workplace for its members free from all types of discrimination;
- (3) allow all members to have their opinion heard on workplace matters;
- (4) be a united voice with strength and influence for its members; and
- (5) advocate and represent the voice of members relating to enterprise bargaining negotiations, i.e., secure improvements in pay, benefits, working conditions, individual choices, and/or social-political status through collective bargaining.

PART 2 – WHO CAN JOIN THE UNION

RULE 4 – ELIGIBILITY FOR MEMBERSHIP

- (1) All Branch members, other than Branch Employees, are allocated to a Branch Industry Division.
 - (a) As a newly formed entity, as new industry members seek membership, new subdivisions are to be created.
 - (b) Current subdivisions include all members working in the following entities:
 - (i) State and Local Governments of Queensland;
 - (ii) State Government Business Enterprises (GBEs) and statutory bodies;
 - (iii) Department of Traffic and Main Roads Queensland;
 - (iv) Department of Education Queensland;
 - (v) Private Educational Establishments;
 - (vi) Surf Life Saving Queensland; and
 - (vii) Motor Dealer Industry.
- (2) All new members will be promptly allocated by the Branch Secretary, between meetings of the Branch Executive, to a Branch Industry Division in accordance with their eligibility.

RULE 5 - DESCRIPTION OF INDUSTRY

- (1) Entities as stated within Rule 5(1)(b) will cover members in roles and industries of the following descriptions:
 - (a) Public Administration;
 - (b) Transport and utilities;
 - (c) Construction;
 - (d) Manufacturing;
 - (e) Information;
 - (f) Information Technology;
 - (g) Education and Health Services; and
 - (h) Retail and Sales.

PART 3 – MEMBERSHIP OF THE UNION

RULE 6 – ADMISSION TO MEMBERSHIP

- (1) Application for membership with the Union may be made by:
 - (a) providing the Union with a signed application form and:
 - (i) a valid payroll deduction authority;
 - (ii) a valid direct debit authority; or
 - (iii) arranging payment of the contribution required by Rule 7; or
 - (b) completing a Union membership form electronically and:
 - (i) providing the Union with a valid payroll deduction authority;
 - (ii) providing the Union with a valid direct debit authority; or
 - (iii) arranging payment of the contribution required by Rule 7; or
 - (c) providing all required details for admission to membership and acknowledgement of the obligations of membership over the phone or other means of electronic communication, to a Union representative and:
 - (i) providing the Union with a valid payroll deduction authority;
 - (ii) providing the Union with a valid direct debit authority; or
 - (iii) arranging payment of the contribution required by Rule 7.

If an application for membership is made over the phone, the Union must ensure a detailed record of the phone call is recorded and retained by the Union. The applicant must also be informed in writing of the financial obligations of membership, the privacy policy of the Union and how their personal information will be dealt with, and how they can resign.

- (2) Any person having made an application for membership as prescribed in Rule 6(1) must, except as otherwise provided for in these Rules, be admitted to membership of the Union. A person will become a member from the date that the first payment of the contribution is received.

BACKDATING IS BREACH OF RULES

- (3) It is a breach of the Rules for any member or authorised person to back-date an application for membership in the Union or to back-date a payroll deduction authority or to backdate a financial institution direct debit Authority and it is an act of misconduct for an official of the Union to back-date an entry on Branch membership rolls of any member of the Union.
- (4) Persons having made applications by way of signing a payroll deduction authority or an approved financial institution direct debit Authority, may have their names entered on the Branch membership roll from the date the payment was deducted from their wages or financial institution notwithstanding the date that the Union receives payment of such monies.

REFUSING ADMISSION TO MEMBERSHIP

- (5) Any person who has been admitted to membership may, in accordance with this Rule, be required, upon notice in writing given at any time by a Branch Executive or the National Executive on the date stated in such notice, not being less than 28 days after the date of posting or delivery of such notice, to give evidence satisfactory to such Branch Executive or the National Executive that such person:
 - (a) was at the time of being admitted to membership eligible to become a member; and/or
 - (b) is entitled to remain a member of the Union.
- (6) In default of such evidence, a Branch Executive or the National Executive may by resolution declare that such person was not entitled to or has ceased to be entitled to be a member of the Union, and such declaration is binding upon such person and upon all members of the Union.

APPEAL AGAINST REFUSAL OF MEMBERSHIP

- (7) In a case where the decision of the Branch Executive of any Branch is against the admission of the person applying, the person has the right to appeal to the National Executive whose decision is, subject to the provisions of any law at the time, to be final and the date of the decision where favourable is deemed to be the date of admission.

MEMBERSHIP THROUGH AMALGAMATION

- (8) In the event of the Union entering into an agreement to amalgamate, merge, or otherwise combine with any other trade union or organisation of employees the members of such other trade union or organisation may be admitted to membership in this Union in accordance with the terms of such agreement. Notwithstanding the provisions of subrules (1) and (2) of this Rule, persons may be admitted to membership pursuant to an agreement to amalgamate, merge, or otherwise combine, without making application in the prescribed form. Except as otherwise provided for by the *Fair Work (Registered Organisations) Act 2009*, any person so admitted pursuant to an amalgamation under the *Fair Work (Registered Organisations) Act 2009* (hereafter FWA) becomes a member from the day fixed by FWA for the amalgamation to take effect. In any other case any person so admitted becomes a member as from the commencement of the day following the unconditional execution of the agreement or on such later date as may be specified in the agreement.

ADVICE OF OBLIGATIONS OF MEMBERSHIP

- (9) Every applicant for membership must be advised in writing, in the form as may be determined by National Executive from time to time, of:
- (a) the financial obligations arising from membership; and
 - (b) the circumstances and the manner in which a member may resign from the Union.

APPRENTICES AND TRAINEES MAY BE MEMBERS

- (10) Apprentices and trainees may be admitted to membership of the Union upon becoming apprentices or trainees or upon registration as an apprentice or trainee, and are entitled to the same privileges as full members.

ALLOCATION OF MEMBERS TO BRANCHES

- (11) Members shall belong to the Branch which covers the location of their primary place of employment, or if unemployed, the Branch which covers the location of their last place of employment.

RULE 7 – RATE OF CONTRIBUTIONS

SETTING CONTRIBUTION RATES

- (1) The application fee payable by each applicant for membership is such sum as the Board may prescribe. The sum is the same for each and every member, unless they are a Foundation Member.
- (2) Foundation members are:
- (a) Any member who became a financial contributor to the creation of the Union, external to their membership fee obligations.
 - (b) Was listed as a member on the registry at the time the Pro-Choice Union achieved Federal Unionisation Registration.
 - (c) Maintained continuous financial membership since the time of registration.
 - (d) At any time if a member has failed to meet the criteria in Rule 7 (2)(c), due to significant personal circumstance and can show cause as to why their Foundational Membership should be allowed to continue, this will be at a vote and discretion of the National Executive.
 - (e) In the matter that the Pro-Choice Union has rescinded a Foundational members benefit, an appeal in writing stating reasoning and evidence as to why the Foundational membership should prevail must be submitted to the National Secretary for assessment. If a valid appeal, it will be brought before the National Executive at the next available meeting of the National Executive.
- (3) Benefits of Foundational Members:
- (a) For a period of 3 years, from the creation of the Pro-Choice Union the Foundational Member will have a 30% reduction in Union membership fee.
 - (b) As long as the Foundation Member maintains a continual financial membership with the Pro-Choice Union, they will receive a 15% reduction in membership fees.
 - (c) They maintain the same voting rights as all other financial members.
- (4) The subscription payable by a Member is such sum as the Board may prescribe and for the avoidance of doubt may be nil.
- (5) If a person applies for membership in any other form other than annual, the total annual amount as set forth by the board will be broken down and the same amount as an annual fee will be paid during the Monthly, fortnightly, or weekly payments. An administration fee maybe added to this payment at the sole discretion of the Union.

RATE OF CONTRIBUTIONS FOR UNEMPLOYED OR UNFIT MEMBERS

- (6) Any member who is off work for a period exceeding three months and is receiving less than 75% of their normal rate of pay through:
- (a) unemployment; or
 - (b) not being fit for work due to illness, injury, or accident not covered by the relevant workers' compensation system,
- may make application to his or her Branch Secretary for exemption (or part thereof) from payment of contributions and levies for the period of his or her absence from work and the Branch Secretary may grant such exemption if satisfied of the bona fides of such application.
- (7) Any member who has been exempted from payment of contributions under this Rule for a period of twelve months, shall then commence to pay the sum determined by the National Executive from time to time. Failing such payment, the member shall cease to be entitled to hold or contest any position or Office in the Union or to any benefits of membership. The member shall be allowed the benefit of this Rule for the period of twelve months immediately after the first twelve months' total exemption.
- (8) Members receiving workers' compensation benefits will pay the amount determined by the National Executive from time to time.

RETIRED MEMBERS

- (9) A member is entitled to become an honorary retired member of the Union if:
- (a) they have retired from working;
 - (b) they were a financial member of the Union when they retired; and
 - (c) the relevant Branch Secretary has approved their application.
- (10) Notwithstanding the above, where in the event of an amalgamation, any member or class of members of a Trade Union or organisation amalgamating with this Union is, as at the date of amalgamation, exempt from paying contributions to that other union, such exemption shall apply to their membership of this Union.
- (11) Honorary retired members pay the contributions determined by the National Executive from time to time.

HONORARY MEMBERS

- (12) An honorary retired member who was a member of the Union when they retired from working can remain a member, be included on the membership register and is entitled to vote in elections if they were an Officer of the Union.
- (13) In all other cases, a retired person can pay the honorary contribution set by National Executive from time to time and is entitled to the benefits approved by the National Executive for an honorary retired member – but cannot be included on the membership register and is not entitled to vote in elections. This is due to the operation of s 171A of the *Fair Work (Registered Organisations) Act 2009* (Cth).

RULE 8 – CONTRIBUTIONS

WHEN CONTRIBUTIONS ARE PAID

- (1) All annual subscriptions are due and payable in advance on 1 July of each year.

UNPAID ANNUAL SUBSCRIPTIONS

- (2) A Member ceases to be entitled to any of the rights or privileges of membership if the subscription of a Member remains unpaid by longer than a consecutive 10 week period.

PAYING CONTRIBUTIONS

- (3) All contributions, fines, levies and dues owing by a member must be paid to the Branch Secretary or other duly appointed representative of the Branch on whose register the member is enrolled, and such duly appointed representatives must immediately pay all such moneys received into the registered office of the Branch. Where there is no Branch established members must pay their dues to the National Secretary.

WAIVING PAYMENT OF CONTRIBUTIONS

- (4) National Executive may if it sees fit and subject to the agreement of any affected Branch Executive, waive payment of the whole or any portion of contributions, levies or other dues owing by any member or class of member if in its opinion special circumstances exist which make it desirable or reasonable to do so.

PAYROLL DEDUCTIONS

- (5) Notwithstanding anything elsewhere contained in the Rules, Branch Secretaries or other authorised Officers may, subject to the approval of the National Executive, make an arrangement with an employer for deducting, on the written authority of a member in the employment of the employer, amounts by way of contributions, levies, or other moneys payable to the Union, from the wages or moneys payable to a member by the employer, and with the written authority of the member. So long as such arrangement is in force, and a written authority by a member employed by the employer for the making of deductions in accordance with the arrangement remains in force, the member is (unless the member was an unfinancial member of the Union at the end of the quarter immediately preceding that during which he gave the authority) deemed to be a financial member of the Union and of their Branch and to be fully financial in the Union and their Branch, notwithstanding any other provision of these Rules. If such member owes any money to the Union (whether by way of arrears owing at the time the authority came into force, or other amounts the collection of which is not provided for by the arrangement) such money remains owing by the member and may be recovered by the Union but does not affect their financial status as determined under this subrule. A member who was unfinancial at the end of the quarter immediately preceding that during which he gave the authority continues to remain unfinancial until it pays all amounts owing at such end of quarter, but as from the date of such payment their financial status is to be determined as if it had made such payment prior to giving authority.
- (6) Where such an arrangement was made, or such an authority was given before this subrule came into force, the financial status of any member who has given the authority, or has given any authority pursuant to the arrangement, is to be determined as if this subrule had been in force at that time.
- (7) If a member had a valid arrangement in force but the Union ceases to receive any membership contributions in accordance with that arrangement without reasonable explanation for a period exceeding 60 days from a regular payment date, the member will cease being treated as a financial member immediately when the 60-day period ends.
- (8) The Union must advise the member in writing during the 60-day period that they will lose their financial status at the end of the 60-day period if their contributions are not received.

DIRECT DEBIT PAYMENTS

- (9) Notwithstanding anything elsewhere contained in the Rules, Branch Secretaries or other authorised Officers may, subject to the approval of the National Executive, make an arrangement with a financial

institution for deducting, on the written authority of a member who holds an account with the financial institution, amounts by way of contributions, levies or other moneys payable to the Union, from the member's account. So long as such arrangement is in force, and a written authority by a member who holds an account with the financial institution for the making of deductions in accordance with the arrangement remains in force, the member is (unless an unfinancial member of the Union at the end of the quarter immediately preceding that during which s/he gave the authority) deemed to be a financial member of the Union and of their Branch and to be fully financial in the Union and their Branch, notwithstanding any other provision of these Rules. If such member owes any money to the Union (whether by way of arrears owing at the time the authority came into force, or other amounts the collection of which is not provided for by the arrangement) such money remains owing by the member and may be recovered by the Union but does not affect their financial status as determined under this subrule. A member who was unfinancial at the end of the quarter immediately preceding that during which he gave the authority continues to remain unfinancial until it pays all amounts owing at such end of quarter, but as from the date of such payment their financial status is to be determined as if it had made such payment prior to giving authority.

- (10) Within this subrule "financial institution" includes a bank, building society, credit union or credit card organisation.
- (11) Where such an arrangement was made or such an authority given before this subrule came into force, the financial status of any member who has given the authority or has given any authority pursuant to the arrangement, is to be determined as if this subrule had been in force at the time.
- (12) If a member had a valid arrangement in force but the Union ceases to receive any membership contributions in accordance with that arrangement without reasonable explanation for a period exceeding 60 days from a regular payment date, the member will cease being treated as a financial member immediately when the 60-day period ends.
- (13) The Union must advise the member in writing during the 60-day period that they will lose their financial status at the end of the 60-day period if their contributions are not received.

RULE 9 – MEMBERSHIP SUBSCRIPTIONS

- (1) It is a breach of these Rules for any person issuing a membership subscription to back date such membership subscription.
- (2) A membership subscription may be issued in an electronic form.

RULE 10 – DUPLICATE SUBSCRIPTIONS

- (1) Any member whose subscription past or present, has been lost or destroyed may apply to the Union for a duplicate subscription and upon the production if required of a satisfactory statutory declaration as to the loss or destruction of their subscription then the respective Secretary shall supply the applicant with a duplicate subscription.

RULE 11 –HONORARY LIFE MEMBERSHIP

- (1) The distinction of Honorary Life Membership may be conferred by the National Executive either on the recommendation of a Branch Executive or on its own motion as a mark of appreciation of especially meritorious services to the Union by such member.
- (2) In the case of a member conferred with Honorary Life Membership they shall not be required to pay any contributions.
- (3) An Honorary Life Member is deemed financial, can be included on the membership register, and is entitled to vote at any election if:

- (a) they have not retired from working;
 - (b) they are an Officer of the Union; or
 - (c) they were a member of the Union when they retired and remain a member of the Union.
- (4) In all other cases, an Honorary Life Member does not have to pay the honorary membership contribution rate set by the National Executive but cannot be included on the membership register and is not entitled to vote at elections. This is due to the operation of s 171A of the *Fair Work (Registered Organisations) Act 2009* (Cth).
- (5) A decision to issue a member with Honorary Life Membership must be affirmed by no less than two thirds of the total number of votes of the National Executive or it shall have no effect.
- (6) In the event of union amalgamation, any person who was a life member of an amalgamating union immediately before the amalgamation of those Unions shall, subject to these Rules, remain a life member of the Union.

RULE 12 – RESIGNING AS A MEMBER

- (1) A Member may resign from membership of the Union by giving written notice to the Secretary.
- (2) The resignation of a Member is deemed to take effect four weeks after the date of receipt of the written notice of resignation or such later date as is provided in the notice.

RULE 13 - REMOVAL, SUSPENSION AND CESSATION OF MEMBERSHIP

- (1) Persons shall cease to be members of the Union if:
 - (a) a Member has not paid all arrears of the Union subscription in accordance with Rule 8, each of the following applies in respect of that Member:
 - (i) the Member remains liable for all the obligations and liabilities of membership for four months after the date of notification under subrule 8.5;
 - (ii) the Member ceases to be a Member and the Member's name removed from the Register to the Unattached List of Members at the end of the four-month period, .
 - (b) a Member conducts himself or herself in a way considered to be conduct unbecoming a Member then the Board may resolve that:
 - (i) the Member be placed on a warning to improve his or her conduct
 - (ii) the Member be reprimanded;
 - (iii) the Member be suspended from membership for a period not exceeding 3 months;
 - (iv) the Member be removed from membership; and/or
 - (v) the Member and his/her conduct be referred for consideration by the Union Board.
 - (c) If the Board has reason to believe that a Member may be guilty of conduct unbecoming a Member, the Secretary must give the Member at least 14 days' notice in writing to the Member of:

- (i) the date, time and place of the meeting of the Board at which it will consider whether the Member has been guilty of such conduct; and
- (ii) a statement of the full and precise particulars of the conduct of the Member which will be considered by the Board.
- (iii) The Board shall provide such further particulars of any of the matters set forth in the statement referred to under clause (b) (i) and (ii), either prior to or at the meeting called by the Board, if requested by the Member whose conduct is being considered.
- (d) The conduct referred to in clause 1(b) can include but is not limited to conduct whereby the Member:
 - (i) has wilfully refused or neglected to comply with the Code of Conduct provisions of the Union Constitution.
 - (ii) has been found to have engaged in conduct unbecoming a Member;
 - (iii) has been found to have engaged in conduct subversive to the objects of the Union;
 - (iv) has been found to have engaged in conduct prejudicial to the interests of the Union;
- (2) The disciplinary provisions applying to the Union shall be those set out in:
 - (a) the Union Constitution; and
 - (b) any applicable future District Branch or Sub-Branch rules and by-laws.

PART 4 – RIGHTS AND DUTIES OF MEMBERS

RULE 14 – RIGHTS OF MEMBERS

COPY OF RULE BOOK

- (1) Any member of the Union may request the National Secretary or a Branch Secretary to supply them with a copy of the Rules of the Union. Upon such a request the National Secretary, or Branch Secretary concerned must within seven days, and if that member has been provided with a copy of the same rules or amendments free of charge within the past 3 years upon receipt of the prescribed amount of twenty dollars, supply to the member a copy of the Rules of the Union.

INSPECTING MINUTES OF NATIONAL CONFERENCE AND NATIONAL EXECUTIVE

- (2) Any member of the Union may upon request to the Branch Secretary with seven (7) days' notice inspect a copy of the Minutes of each Biennial National Conference and/or Special National Conference and/or National Executive at the Branch office during the ordinary hours in which the Branch office is open.

RULE 15 – DUTIES OF A MEMBER

OBEY THE RULES

- (1) Every member must observe, abide by and carry out each of the Rules of the Union applicable to them. It is contrary to the Rules of the Union for a member to threaten, initiate or engage in unprotected industrial action as defined by the relevant legislation.

OBSERVE RESOLUTIONS OF THE UNION

- (2) A member must not knowingly fail to observe any resolution of the National Conference, National Executive or of the Branch Executive to which a member belongs.

GIVE INFORMATION

- (3) Every member, after having been reasonably requested to do so, must give any information of which the member is aware as to any industrial matter which is the concern of the Union, to the National Conference, National Executive or a Branch Executive who makes such request (or to any person who is authorised to make such request on their behalf).

NO OBSTRUCTION OF OFFICERS

- (4) A member must not obstruct, interfere with or delay any Officer in the execution of the Officer's duties or any duties of the National Conference, National Executive, Branch Executive, or other body of the Union in the performance of any of its functions.

ASSIST OFFICERS

- (5) Every member after having been reasonably requested to do so must assist any Officer in the carrying out of their duties if the assistance required is of such a nature that it is proper and reasonable to require it.

NO DISORDERLY CONDUCT

- (6) A member must not act in any disorderly, offensive or disruptive manner at any meeting of the Union.

SAFEGUARD MEMBERSHIP TICKET

- (7) Members must not allow their proof of Union subscription to be distributed to, or used by others except when the proof of Union membership is required by an auditor or an Officer or other person who requires it for some proper purpose under the Rules or other lawful reason.

NO ASSISTING BREACH OF PRO-CHOICE UNION RULES

- (8) A member must not aid or encourage any member in doing or omitting to do anything contrary to these Rules.

WORK FOR AWARD/AGREEMENT RATES

- (9) Members must not work at lower rates than either, those prescribed by the policy of the Union or, those prescribed by any award or industrial instrument regulating the rates, terms and conditions of employment for the work that the member is engaged in.

BREACH OF RULE IS MISCONDUCT

- (10) A member who commits any breach of these Pro-Choice Union Constitutional Rules may be found guilty of misconduct.

ADVISE CHANGE OF PERSONAL DETAILS

- (11) A member must inform the Union within 14 days of a change to their name, postal address or primary place of employment.

RULE 16 – STATUS OF UNFINANCIAL MEMBERS

- (1) Except as elsewhere provided in these Rules unfinancial members are not entitled, so long as they remain unfinancial, to take part in any ballot or to speak or vote on any question, nor to any other benefit of membership.

RULE 17 – MISCONDUCT

- (1) The National Conference, National Executive and, subject to Rule 17(12) each Branch Executive, has the power to hear and determine charges under this Rule.

CHARGING A MEMBER WITH MISCONDUCT

- (2) Any member may reasonably charge any other member with:
 - (a) committing any breach of the Rules;
 - (b) failing to comply with any resolution or direction lawfully passed or given under any Rule of the Union after having notice thereof;
 - (c) committing any fraudulent or unlawful act in relation to the funds or property of the Union or in relation to any election held under its Rules;
 - (d) wrongfully holding himself or herself out as occupying any Office or position in the Union or any Branch, Sub-Branch, or District thereof, or as being entitled to represent the Union or any Branch, Sub-Branch, or District in any capacity unless the member believed on bona fide and reasonable grounds that s/he was entitled to so act;
 - (e) behaving in a drunken, disorderly or offensive manner at any meeting held under the Rules of the Union or in the Office of the Union or of any Branch, Sub-Branch or District;
 - (f) knowingly giving false information to any Officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interests of the Union or its members;
 - (g) aiding or encouraging any other member in any offence under the Rules;
 - (h) gross misbehaviour;
 - (i) gross neglect of duty; or
 - (j) having ceased to be eligible to hold Office according to the Rules of the Union.

SUMMONS TO CHARGED MEMBER

- (3) Any charge may be made orally or in writing and must be made to the National Secretary or the Branch Secretary. Such Officer may, subject to being satisfied as to the reasonableness of such charge, must summon the member charged. Any summons must be in writing and must state the time and place of the hearing, the name of the person laying the charge, and the substance of the charge. The person charged must be given at least twenty-one days' notice of the hearing, which may be held in person, or via telephone, or by videoconference. The person charged must, upon request, be supplied with such further particulars as may be necessary to indicate the precise matters of the charge.
- (4) For the purpose of giving notice under this Rule it will be sufficient for such notice to be sent by a pre-paid registered mail to the address of the member being charged at the last address recorded in the membership records of the Union, or by email to the members last known email address.

- (5) The charged member will be deemed to have received the notice three days after the date such notice was posted in accordance with this Rule, or the day after an email was sent.
- (6) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the person charged is notified) the charge may be heard and determined, whether or not the person charged is present, unless a satisfactory explanation of their absence has been received.

RIGHT TO BE HEARD

- (7) If the person attends at the appointed time and place, he or she must:
 - (a) be informed of the substance and source of any information adverse to him or her on which the tribunal relies;
 - (b) be given a reasonable opportunity to defend himself or herself and may, if he or she wishes, personally address the tribunal and give evidence and tender written submissions;
 - (c) be permitted the use of an interpreter if he or she is limited in their ability to communicate using the English language; and,
 - (d) have the right to submit such written statements by witnesses as he or she desires and to call to give personal evidence such witnesses as the tribunal considers necessary or desirable, having regard to the nature of the charge, the evidence and all the circumstances.
- (8) The person charged is not entitled to be represented by another person except with the permission of the tribunal; provided that if a legally qualified person is permitted to appear to present a charge the person charged must be permitted similar representation if they so request.
- (9) The Tribunal has the right to give directions to ensure that its proceedings are conducted in an orderly fashion with reasonable dispatch, and without unnecessary repetition or the introduction of irrelevant material.
- (10) The powers of the tribunal under this subrule are, subject to any directions given by the tribunal, to be exercised by the Chair.

PENALTY

- (11) Where the relevant tribunal is satisfied that the charges are proven, the tribunal may:
 - (a) Expel the charged member from membership of the Union if it is also satisfied:
 - (i) That the breach or breaches, was or were deliberately committed by the reported member; and
 - (ii) That the breach, or breaches; is or are sufficiently grave to warrant expulsion; or
 - (b) Suspend them from membership, or deprive them of any right or benefit of membership for any specified period, or until the happening of any specified event, or until performance of any specified act, and/or remove them from any elected Office or position.
Suspension from membership deprives a member of the benefits of membership including the right to hold Office, but does not relieve them of the obligations of membership. Suspension for any particular offence must, unless it has previously expired according to the terms of the decision imposing it, terminate six months after the suspension commenced. Where a person is found guilty of more than one offence cumulative suspensions may be imposed.

Provided however that no member can be dismissed from any elected Office unless he or she has been found guilty of misappropriation of the funds of the Union, a substantial breach of the Rules of the Union, gross misbehaviour or gross neglect of duty or has ceased, according to the Rules of the Union, to be eligible to hold such elected Office.

APPEAL

- (12) An appeal lies in respect of any decision under this Rule from a Branch Executive to National Executive and from National Executive to National Conference. Notice of appeal must be given in writing to the National Secretary within one month and must set forth in full all matters which the appellant desires to be considered. The appeal may be dealt with in meeting or by postal vote.

POWER OF BRANCH EXECUTIVE

- (13) The Branch Executive has the power to impose penalties as provided in Rule 17(11) on members of the Branch, other than National Officers, charges against whom must be dealt with only by National Conference or National Executive.

EXPULSION

- (14) An expulsion shall operate from the date of the decision to expel and, notwithstanding that a decision to expel may be reversed on appeal, the lodgement of an appeal does not operate as a stay of the expulsion.
- (15) Any member expelled from the Union must not be readmitted to membership without the sanction of the National Executive or National Conference.
- (16) Members must take all reasonable steps to exhaust the internal appeal procedures prescribed by this Rule before commencing proceedings to challenge any decision made, pursuant to this Rule, in the Federal Court of Australia or any other court/tribunal which may have jurisdiction.

PART 5 – NATIONAL STRUCTURE OF THE UNION

RULE 18 – NATIONAL CONFERENCE

TIME AND PLACE OF NATIONAL CONFERENCE

- (1) The National Conference must be held biennially in the second and fourth year of Office at such place and time as the National Executive shall determine and the National Conference consists of the National Officers and of delegates to be elected by each Branch.

BRANCH REPRESENTATION AT NATIONAL CONFERENCE

- (2) Each Branch is entitled to one delegate for any number of members up to 2,500 and an additional delegate for every further 2,500 members or part thereof and such delegate must be the relevant Branch Secretary after 2,500 first appearing.

NATIONAL OFFICERS AT NATIONAL CONFERENCE

- (3) National Officers shall be ex-officio Delegates to National Conference and shall have the same voting and other rights as Delegates at the Conference.

NATIONAL EXECUTIVE MEMBERS NOT OTHERWISE DELEGATES

- (4) National Executive members, not otherwise delegates to National Conference pursuant to any other provision of this subrule, are to be ex-officio delegates to National Conference but do not have voting rights.
- (5) All costs associated with such delegates attending a National Conference must be borne by the respective Branch.

METHOD OF VOTING AT NATIONAL CONFERENCE

- (6) The method of voting on all matters before the National Conference is to be a “card vote”.
- (7) Card Voting means a registered and secure vote by delegates, and/or members, at National Conference and/or within the delegate’s or member’s home state, in which each delegate’s and/or member’s vote counts towards a personal vote for him or herself and/or a vote for their constituents. This can be conducted in person, and/or mail-in ballot, and/or in electronic form.

BRANCH VOTING RIGHTS AT NATIONAL CONFERENCE

- (8) Each Branch is to be allocated one vote for any number of members up to 200 and an additional one vote for every further 200 members or part thereof.
- (9) Branch votes must be evenly allocated, to the third decimal place, to the Branch delegates or their respective proxies as appointed in accordance with these Rules.

NATIONAL OFFICERS VOTING RIGHTS AT NATIONAL CONFERENCE

- (10) The National Officers collectively are to be allocated votes based on a figure that represents fifteen percent (15%) of the total number of votes allocated to all Branches.

National Officers votes must be evenly allocated, to the third decimal place, amongst all National Officers or their respective proxies as appointed in accordance with these Rules.

REPLACEMENT BRANCH DELEGATES

- (11) Where any Delegate to National Conference is unable to attend the National Conference, the Executive of the Branch by which such delegate was elected, has the power to appoint some other member of the Union, who qualifies for election in accordance with these Rules, to represent that Branch as a Delegate to National Conference.

DELEGATES EXPENSES

- (12) The expenses of each delegate are to be paid by the Union at the rate determined by the National Secretary from time to time.

PROXY VOTING

- (13) In the event of any delegate or delegates of a Branch being absent the delegate or delegates must give the remaining delegate or delegates of the Branch present power to cast the number of votes that such Branch is entitled to on all questions.
- (14) In the event that there are no other delegate or delegates of the Branch present then the delegate or delegates of the Branch being absent may authorise in writing any other Delegate to National Conference to cast a proxy vote on their behalf. Such authority may be general or limited to a particular matter or matters.

- (15) A National Officer may authorise in writing any other member of Conference to cast a proxy vote on his or her behalf during any period when such National Officer is absent. Such authority may be general or limited to a particular matter or matters.

SPECIAL NATIONAL CONFERENCE

- (16) The National Secretary must call a Special Conference within one month after receipt of resolutions passed by a majority of the Branches at specially summoned meetings, requesting a Special Conference to be held, and stating the business to be dealt with. He must also call a Special Conference whenever he is directed to do so by the National Executive.
- (17) Every delegate and Branch shall receive seven days' notice of such Special Conference and of the business to be dealt with. Such notice shall, if practicable, be by letter, electronic mail, facsimile, courier delivery or certified mail. Business additional to that of which notice has been given may be dealt with if no objection is taken at the time, or if upon objection being taken, a majority of members agree to the business being dealt with.
- (18) Subject to this Rule, the powers of and procedure at a Special National Conference are the same as the powers of and procedure at a Biennial National Conference.

LEAVE FROM NATIONAL CONFERENCE

- (19) No Officer attending the National Conference shall leave without the consent of the Conference until the sittings have terminated.

DECISIONS BY MAJORITY OF MEMBERS

- (20) All decisions of the Conference shall be made by a majority of the members present, unless otherwise provided in these Rules, or unless resolved by a majority vote of the members present. Such a resolution must be carried out for each matter which is being decided upon.

RULE 19 – CREDENTIALS OF BRANCH DELEGATES

- (1) Before first taking their seat at Conference, every Branch delegate, must have presented to the National President or other person presiding over the Conference, a letter signed by the Branch Secretary, certifying that the bearer thereof is a delegate of such Branch. Provided that no proceedings of Conference are to be invalidated by reason only of any failure to comply with this Rule.

RULE 20 – POWERS OF NATIONAL CONFERENCE

- (1) The National Conference is to be the highest deliberative body of the Pro-Choice Union and has the power:
- (a) To take such steps as it thinks fit to carry out all or any of the objects of the Union, and to raise or spend such funds as are necessary to carry out the objects.
 - (b) To decide the general policy of the Union and to take steps to enforce the carrying out of such policy.
 - (c) To impose levies in accordance with these Rules.
 - (d) To impose penalties in accordance with these Rules.
 - (e) To hear and decide any appeal by a member or Branch against any act or decision of the National Executive or a Branch Executive.

- (f) To deal with and decide any matter submitted to it by any Branch of the Union.
- (g) To make, alter, amend or rescind the Rules of the Union and any Branch.
- (h) To delegate any of its powers other than its powers under paragraphs (c), (d), (e), (f), (g), (h), (i), (j) or (k) hereof to any Branch, or to any Committee or Officer of the Union. Provided that such delegation does not prevent the National Conference from itself exercising such powers, and that any exercise of power pursuant to such delegation is subject to appeal to and review by the National Conference.
- (i) Subject to Rule 33, to establish or close Branches, Sub-Branches, or Districts of the Union where in its opinion such establishment or closing would be to the benefit of members of the Union or of a Branch of the Union or would improve the organisation or administration of the Union or of a Branch or would effect a necessary reduction of expenditure, or when such establishment or closing is considered necessary for any other bona fide reason.
- (j) To confirm, overrule or otherwise deal with decisions of the National Executive.
- (k) To exercise all or any of the powers of the National Executive.
- (l) To appoint as General Returning Officer, some person who is not:
 - (i) an unfinancial member of the Union;
 - (ii) the holder of any Office in the Union or a Branch, Sub-Branch, Section or Division of the Union;
 - (iii) any employee of the Union or a Branch, Sub-Branch, Section or Division of the Union.

RULE 21 – PROPOSALS FOR NATIONAL CONFERENCE

- (1) Proposals for:
 - (a) the making of new Rules;
 - (b) the amendment or rescission of existing Rules;
 - (c) industrial, administrative or policy matters;

must be forwarded to the National Secretary to be received not later than one month prior to the date of the National Conference. Proposals forwarded by email or facsimile will be accepted provided the contents of such email or facsimile are confirmed by signed letter posted by pre-paid post to the National Secretary within a reasonable time after the date of the email or facsimile.

WHO CAN SUBMIT PROPOSALS FOR NATIONAL CONFERENCE

- (2) Proposals may be submitted by:
 - (a) The National Executive;
 - (b) A Branch Executive;
 - (c) A Branch Secretary;
 - (d) Any Branch General Meeting or Branch Delegate Meeting;

- (e) National Officers;
- (f) Any properly constituted meeting of not less than 15 members. All proposals passed at meetings of members, wherever held under this Rule must stipulate the names of the constituents of the meetings, the name of the place at which the meeting was held, the date of the meeting, and must be signed by the Chair.

AGENDA COMMITTEE FOR NATIONAL CONFERENCE

- (3) There is to be an Agenda Committee of National Conference comprising the National President and National Secretary.
- (4) The Agenda Committee must meet as soon as practicable after the receipt of proposals for National Conference as provided for in subrule (1) of this Rule.
- (5) The Agenda Committee is to determine which proposals are to be included on the Agenda of National Conference. Provided that any proposal not included on the Agenda must be tabled at the National Conference.

AGENDA OF NATIONAL CONFERENCE

- (6) As far as is practicable, the business to be dealt with by National Conference must be shown on the Agenda paper, but matters including proposals which have been tabled but not included on the agenda pursuant to this Rule may be added to the Agenda paper if agreed to by a resolution of Conference.

NOTICE TO BE SENT TO DELEGATES

- (7) Notice of every Biennial National Conference must be sent by the National Secretary to each National Conference Delegate via the Branch Secretary two weeks before the date of such meeting by either mail, facsimile or email.

RULE 22 – NATIONAL EXECUTIVE

- (1) There is to be a National Executive consisting of the following:
 - (a) National Officers who are to be ex-officio Delegates to National Executive and who are to have the same voting and other rights as Delegates to National Executive; and
 - (b) Delegates to National Executive being such other Branch Officers as are elected by each Branch.

BRANCH REPRESENTATION AT NATIONAL EXECUTIVE

- (2) Each Branch is entitled to one Delegate to National Executive for any number of members up to 2,000 and such Delegate to National Executive must be the relevant Branch Secretary.
- (3) Branches are entitled to an additional Delegate to National Executive for every further 2,000 members or part thereof.

METHOD OF VOTING

- (4) The method of voting on all matters before the National Executive shall be as "card vote".

BRANCH VOTING RIGHTS AT NATIONAL EXECUTIVE

- (5) Each Branch is to be allocated one vote for any number of members up to 200 and an additional one vote for every further 200 members or part thereof.

- (6) Branch votes must be evenly allocated, to the third decimal place, to the Branch delegates or their respective proxies as appointed in accordance with these Rules.

NATIONAL OFFICERS VOTING RIGHTS AT NATIONAL EXECUTIVE

- (7) The National Officers collectively are to be allocated votes based on a figure that represents fifteen percent (15%) of the total number of votes allocated to all Branches.
- (8) National Officers' votes must be evenly allocated, to the third decimal place, amongst all National Officers or their respective proxies as appointed in accordance with these Rules.

REPLACEMENT NATIONAL EXECUTIVE MEMBERS

- (9) Where any National Executive member is unable to attend National Executive, the Branch Executive or Branch Secretary of the Branch that such member represents, has the power to appoint some other member of the Union who qualifies for election in accordance with these Rules, to represent that Branch as National Executive member to National Executive. This person is to act only during the period of the National Executive to which they have been appointed.

PROXY VOTING

- (10) In the event of any National Executive member of a Branch being absent the National Executive member must give the remaining National Executive members of the Branch present power to cast the number of votes that such Branch is entitled to on all questions.
- (11) In the event that there are no other National Executive members of the Branch present then the National Executive member being absent must authorise in writing any other National Executive member to cast a proxy vote on their behalf.
- (12) In the event that a member or members absent themselves in any other way than in accordance with Rules 22(10) and (11), or without the consent of the National Executive, this unauthorised absence will result in the Branch's voting rights being equally divided among the remaining members of the National Executive in attendance at the time of the member or members absenting themselves.
- (13) In the event that Rule 22(12) is invoked because a Branch or member thereof has absented itself without the consent of the National Executive and without leaving their proxy voting rights in accordance with Rules 22(10) and (11) the requirement in Rule 26 – Quorum will not apply.
- (14) For the avoidance of doubt as to the effect of Rule 22(13) the subrule means, that if a Branch leaves without the National Executive's approval and or in accordance with the rules, then the business of the National Executive will continue and the Branch or Branches cannot rely on the Quorum Rule 26 to bring the National Executive meeting to a close, because in this case the rule will not apply.
- (15) A National Officer may authorise any other member of National Executive to cast a proxy vote on his or her behalf during any period when such National Officer is absent.
- (16) For the purpose of this subrule, authority to vote by proxy may be general or limited to a particular matter or matters.

TIMING AND PLACE OF MEETINGS OF NATIONAL EXECUTIVE

- (17) Meetings of the National Executive are to be held at such time and place as decided by the National Executive or by the National Secretary and National President, provided that any three members of the National Executive may demand a meeting of the National Executive. Such demand must be notified to the National Secretary and/or National President by letter or email or facsimile and the notification shall set out the purpose of the meeting. The National Secretary and/or the National President must

arrange for the meeting to be held not later than fourteen days from the date of receipt of the notification demanding that the meeting be held.

NOTICE OF MEETINGS OF NATIONAL EXECUTIVE

(18) Notice of meetings may be given verbally or by letter, email, facsimile or telephone.

RULE 23 – POWERS OF NATIONAL EXECUTIVE

- (1) The National Executive, subject to the review of its actions by National Conference, has the care, control, superintendence, management and administration in all respects of the affairs, business, funds and property of the Union and without limiting the generality of the foregoing it has the power, duty or function to:
 - (a) Interpret and enforce the general policy of the Union as decided by National Conference;
 - (b) Decide questions of policy not covered by National Conference decisions;
 - (c) Control and conduct the business and affairs of the Union while National Conference is not in session;
 - (d) Appoint the Editor of the Union journal and manage and control the policy of the journal;
 - (e) Expend such moneys or borrow money or raise financial accommodation as may, in the opinion of the National Executive be necessary;
 - (f) Submit any matter to the members for decision by ballot;
 - (g) Negotiate an agreement for amalgamation with any other Union or Unions;
 - (h) Subject to Rule 31, establish or close any Branch of the Union where in its opinion such establishment or closing would be to the benefit of members of the Union, or of a Branch, or would improve the organisation or administration of the Union or of a Branch or would effect a necessary reduction in expenditure, or when such establishment or closing is considered necessary for any other bona fide reason;
 - (i) Ensure that Officers, committee members, delegates, members and Branches carry out the Rules, decisions and policy of the Union, and may impose penalties in accordance with these Rules.
 - (j) Act in accordance with these Rules to secure the satisfactory working of any Branch, Sub-Branch, or District;
 - (k) Appoint, control and dismiss National Organisers;
 - (l) Control and supervise the work of the National Officers of the Union;
 - (m) Determine from time to time the salary and/or wages of all Officers, staff and employees of the Union;
 - (n) In accordance with Rule 75, fill casual vacancies which may occur from time to time in National Office;
 - (o) When Conference is not sitting:
 - (i) suspend the policy laid down by National Conference or any portion thereof;
 - (ii) make such Rules and other provisions, or to rescind, or vary existing Rules;

- (iii) impose levies upon members and Branches, provided that all acts done by virtue of subrule (h) of this Rule and paragraphs (i), (ii) and (iii) of this subrule, (o) must be affirmed by no less than two-thirds of the total number of votes allowed to members of the National Executive or it has no effect;
 - (p) Make, vary, or rescind, on behalf of the Union, industrial and other agreements;
 - (q) Consider and determine any question arising under these Rules submitted to it by any Branch;
 - (r) Require Branch Executives to prepare Branch budgets for presentation to National Executive;
 - (s) Require Branch Executives to report to National Executive on the financial position, status and/or viability of the Branch and to have the report certified as to its accuracy by a person who is a CPA or CA; and
 - (t) Determine the amount and or scale of fees that a non-member employee, dependent or independent contractor will pay for representation by the Union. Fees may be set on any basis deemed appropriate by the National Executive and may be altered or varied by the National Executive from time to time. For the avoidance of doubt the setting of a fee or scale of fees for representation by the Union does not oblige the Union to provide such representation.
 - (u) Make, vary, or rescind by unanimous decision, a resolution for the registration of the Union in State and/or Federal jurisdictions.
- (2) All decisions of the National Executive must be made by a majority of the members present at the meeting unless otherwise provided by these Rules, or unless resolved by a majority vote of the members present. Such a resolution must be carried out for each matter which is being decided upon.
 - (3) All acts and decisions of the National Executive have full force and effect and full validity unless and until such acts or decisions are reversed or amended by National Conference.

RULE 24 - CALCULATION OF BRANCH REPRESENTATION AND VOTING RIGHTS FOR NATIONAL CONFERENCE AND NATIONAL EXECUTIVE

- (1) For the purposes of Rule 18(2) and Rule 22 of these Rules, Branch representation is to be based upon the average number of financial members in that Branch for the twelve-month period ending 30 June preceding the year in which the election is held. The average number of financial members must be calculated by dividing total membership contributions received in that twelve-month period by the divisor determined from time to time by the National Executive in determining the average annual membership contribution. The quantity of total membership contributions for that twelve-month period must be determined by the auditor's report provided for in Rule 55(2).
- (2) Before the end of each calendar year the National Executive must determine each Branch's entitlement to representation in accordance with this Rule on the basis of the auditor's report provided for in Rule 55(2). That determination will apply to any election referred to in Rule 24(1) of this Rule and will also determine the number of votes to be allocated to each Branch for the next calendar year.
- (3) For the purposes of Rule 18(2) and Rule 22 of these Rules the number of votes to be allocated to a Branch during a calendar year is to be based on the average number of financial members in that Branch for the twelve-month period ending 30 June in the preceding year. That average number must be calculated by the same method as is provided in Rule 24(1) of this Rule.
- (4) Where a Branch has failed to provide the National Executive with the audit and report of its total membership contribution as required by Rule 55(2) that Branch's entitlement to an allocation of votes pursuant to both Rule 18(2) and Rule 22 as at the commencement of the ensuing calendar year must be only three quarters of the votes to which it was entitled in the previous calendar year until it has

provided such an audit and report to the National Executive and the National Executive has determined that Branch's entitlement to an allocation of votes in accordance with Rule 24(3).

RULE 25 – TEMPORARY CHAIRPERSON AT NATIONAL CONFERENCE OR NATIONAL EXECUTIVE

- (1) In the absence of the National President and the National Vice-Presidents from any meeting of National Conference or National Executive, the members present may appoint or elect one of their numbers to preside at that meeting to be appointed by the National Secretary.

RULE 26 – QUORUM AT NATIONAL CONFERENCE, SPECIAL NATIONAL CONFERENCE OR NATIONAL EXECUTIVE

- (1) The quorum at a meeting of National Conference or National Executive is to be a majority of the delegates eligible to attend such meeting, provided that such majority must include delegates representing a majority of the Branches and at least one of the National Executive or an appointee thereof.
- (2) For the purpose of this Rule National Officers are to be counted as delegates but they must not be considered as representing a Branch.

RULE 27 - MINUTES OF NATIONAL CONFERENCE, SPECIAL NATIONAL CONFERENCE OR NATIONAL EXECUTIVE

- (1) Minutes recording the proceedings, decisions and resolutions of National Conference, Special National Conference and National Executive must be taken. A copy of these minutes must be kept by the National Office, and also forwarded to the Secretary of each Branch and each member of National Conference, Special National Conference or National Executive as the case may be, within 28 days of the conclusion of the respective National Conference, Special National Conference or National Executive.

RULE 28 – POSTAL OR OTHERWISE VOTING OF NATIONAL CONFERENCE OR NATIONAL EXECUTIVE

- (1) If the National Secretary considers it advisable to submit any matter, including the imposition of a levy, to a vote of either National Conference or National Executive at a time when it is inconvenient to call the respective body together, s/he may submit to the members of the respective body by letter, electronic mail, facsimile, courier delivery, certified mail or teleconference, a proposed resolution dealing with such matter, together with any statement or argument s/he may think fit in support thereof. A copy of any proposed resolution, statement and argument that is submitted to National Conference must be sent at the same time to each Branch Secretary. The votes on such proposed resolution are returnable to the National Secretary at such time as the National Secretary and one other National Officer fix. The result of such a vote is binding and enforceable in the same manner as a decision arrived at an assembled meeting.
- (2) No amendment is to be allowed on any such proposed resolution, but if it is negated, any member of National Conference or National Executive may request the National Secretary to submit in like manner a further proposed resolution on the same matter. In the event of the National Secretary being requested to submit more than one such proposed resolution, the order in which the proposed resolutions are to be submitted remains at his absolute discretion.

RULE 29 – NATIONAL EXECUTIVE AUTHORITY OVER ELECTED OFFICERS

CHARGING AN OFFICER

- (1) Any Officer or member of the Union who reasonably believes that any elected Officer has been guilty of misappropriation of the funds of the Union or of a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty, or has ceased according to the Rules of the Union to be eligible to hold such elected Office of the Union, may report such breach to the National Secretary who may, subject to being satisfied as to the reasonableness of such report, call upon such elected Officer to show cause to the National Executive why such elected Officer should not be dismissed from his or her Office.

NOTICE OF HEARING

- (2) The National Executive must appoint a day for the hearing of the alleged offence of which at least 21 days notice in writing must be given to such elected Officer.
- (3) For the purpose of giving notice under this Rule it will be sufficient for such notice to be sent by pre-paid registered mail to the address of the elected Officer being charged at the address last recorded in the membership records of the Union. The charged Officer is deemed to have received the notice three days after the date such notice was posted in accordance with this Rule.
- (4) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the person charged is notified) the charge may be heard and determined whether or not the person charged is present, unless a satisfactory explanation of his or her absence has been received.

CONDUCT OF A HEARING

- (5) If the person attends at the appointed time and place, they must be informed of the substance and source of any information adverse to him or her on which the Tribunal relies, unless the revealing of the source would be prejudicial to the operation or interests of the Union, or the tribunal believes it will detriment the information source. The charged person must be given a reasonable opportunity to defend themselves and may, if they wish, personally address the Tribunal, give evidence and tender written submissions. The person must be permitted to use an interpreter if they do not have sufficient command of English. They have the right to submit witness statements and to call such witnesses to give evidence as the Tribunal considers necessary or desirable having regard to the nature of the charge and all the circumstances. The charged person is not entitled to be represented by another person except with the permission of the Tribunal; providing that if a legally qualified person is permitted to appear to present a charge, the person charged must be permitted similar representation if they so request. The Tribunal has the right to give directions to ensure that its proceedings are conducted in an orderly fashion with reasonable dispatch and without unnecessary repetition or the introduction of irrelevant material. The powers of the Tribunal under this subrule must, subject to any directions it may give, be exercised by the Chair.

PENALTY

- (6) If the National Executive is satisfied after inquiry that any elected Officer or elected Officers of the Union has or have been guilty of misappropriation of funds of the Union or of a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold Office, the National Executive may:
 - (a) Dismiss all or any of such elected Officers from Office and/or expel the charged Officer from membership of the Union;
 - (b) Impose a fine not exceeding \$1000 and/or suspend him or her from Office and/or membership or deprive him or her of any right or benefit of Office and/or membership for any specified period or until the happening of any specified event or until performance of any specified act; or
 - (c) Where very serious, report to the police and/or appropriate authority to investigate and determine whether to lay charges.

- (7) Suspension from membership deprives an Officer of the benefits of membership including the right to hold Office but does not relieve him or her of the obligations of membership. Suspension from Office and/or membership for any particular offence must, unless it has previously expired according to the terms of the decision imposing it, terminate six months after the suspension commenced. Where a person is found guilty of more than one offence cumulative suspensions may be imposed.
- (8) Where cause has been proven an elected Officer may be removed from an Office only by a two-thirds majority of the National Executive.

EFFECTIVE OPERATION OF BRANCH

- (9) Pending the completion of any inquiry under this Rule, where the National Executive is satisfied that the relevant Branch Executive is either unwilling or unable to properly conduct the business and affairs of their Branch, the National Executive may take whatever steps it deems necessary to enable the business and affairs of the Union in any Branch of the Union affected by the inquiry to be carried on.

APPEAL TO NATIONAL CONFERENCE

- (10) A member dismissed from Office pursuant to this Rule may apply to the National Conference for leave to appeal against the decision of the National Executive. Application for leave to appeal must be given in writing to the National Secretary within 28 days of the decision of the National Executive and must set forth, in full, all matters which the appellant desires to be considered. The decision by the National Conference as to whether to grant leave to appeal may be dealt with in meeting or by postal vote. If the National Conference grants leave to appeal, then the National Secretary must call a meeting of the National Conference to hear and determine the appeal as soon as practicable after such leave is granted.
- (11) A member must take all reasonable steps to exhaust the internal appeal procedures prescribed by this Rule before commencing proceedings to challenge any decision made pursuant to this Rule in the Federal Court of Australia.

RULE 30 – DUTIES OF OFFICERS

NATIONAL PRESIDENT

- (1) There is to be one (1) National President who is to be the recognised head of the Union and who is honorary, and who has the power to convene meetings of the National Conference and the National Executive. It is the National President's duty to further the well-being and objects of the Union, preside at all Conferences and meetings of the National Executive and see that the business is conducted in accordance with these Rules. No salary is attached to the Office of National President, but an allowance as determined from time to time by the National Executive is to be paid.
- (2) The National President has a deliberative vote only, and, in the case where he also holds the Office of Branch Secretary, he is entitled to vote in respect to the Office of Branch Secretary in addition to his or her deliberative vote.
- (3) The National President must carry out such other functions as are determined from time to time by the National Conference, National Executive, or the National Secretary.

NATIONAL VICE-PRESIDENTS

- (4) There is to be a National Vice President for each operational branch in an applicable State and Territory, all of whom are to be honorary.
- (5) The National Vice Presidents must carry out such duties and functions as are determined from time to time by the National Conference, National Executive or the National Secretary.

- (6) In the event of the absence of the National President, a National Vice President must act as National President and must carry out all the duties and may exercise all the powers of the National President. In the absence of agreement amongst the National Vice Presidents as to who will act as National President, the National Conference or National Executive may determine the matter.

NATIONAL SECRETARY

- (7) There is to be one (1) National Secretary who is the Chief Executive Officer of the Union, who has the powers, duties and/or functions to:
- (a) Act generally according to the directions of the National Conference or National Executive and be responsible for the care, control, superintendence, management and administration in all respects of the affairs, business, funds and property of the Union, subject to any directions from National Conference or National Executive.
 - (b) Appoint, control and dismiss the administrative, research, accountancy, organising and specialist staff of the National Office.
 - (c) Cause to be kept a correct account of all moneys received and expended, but shall not pay, lend or otherwise appropriate any of the funds of the Union except in accordance with the Rules or resolutions of the National Executive or National Conference.
 - (d) Attend all meetings of the National Conference and National Executive and have Minutes taken of such meetings.
 - (e) Attend to and sign all correspondence and keep copies of and a record of the postage of all correspondence.
 - (f) Take all reasonable steps to advance and protect the interests of the Union and its members including by the power to:
 - (i) Make any claim or demand on employers, prospective employers or other persons or organisation to protect or improve the wages, conditions and/or welfare of members or eligible members of the Union;
 - (ii) Take such other steps as may be necessary or desirable to improve the wages, conditions and/or welfare of members or eligible members of the Union.
 - (iii) Execute any document required to be executed within the province of the National Office.
 - (g) Assist the Auditors when auditing the accounts of the Union.
 - (h) Correspond whenever necessary with the Branches.
 - (i) Supply all Branches with decisions of the National Executive on any questions submitted to it affecting such Branch.
 - (j) As far as practicable and subject to Rules 15(11), 37(1)(h) having been complied with, keep the following records:
 - (i) a register of members, showing the name and postal address of each member and showing whether the member became a member under an agreement with a State Registered Union;
 - (ii) a list of the Offices in the organisation and each branch of the organisation;
 - (iii) a list of the names, postal addresses and occupations of the persons holding the Offices.
 - (k) Endeavour to increase the membership of the Union.

- (m) Initiate, conduct and/or respond to matters in tribunals and/or courts considered necessary or desirable to advance or protect the welfare of the Union and is empowered to authorise and direct any Officer, paid employee or representative (including legal representative) of the Union to prepare papers, conduct cases and if necessary act on behalf of the Union in any dispute or issue which may arise which is within the province of National Office.
 - (n) Carry out such other functions as are determined from time to time by the National Conference or National Executive.
 - (o) Engage legal assistance if deemed necessary to assist the Union or any Officer or employee of the Union in any of the above matters or in regard to any matter which the National Secretary has deemed to be valid and in the best interests of the Union, and/or employees, and/or members.
- (8) Secretary is entitled to have brought before any tribunal or court or in regard to which the National Secretary is entitled to give assistance to a member under the Rules.
- (a) Report the result of any ballots conducted by the General Returning Officer to the next meeting of National Conference insofar as delegates to National Conference are concerned, and to the next meeting of the National Executive insofar as members of the National Executive are concerned.
 - (b) Hold property on trust on behalf of the Union upon such terms and conditions as the National Executive shall determine from time to time in its absolute discretion.
 - (c) Require any Officer or employee of the Union to assist the National Secretary in the performance of any of his or her duties and/or functions.
 - (d) Require the production and supply of any information or record from Branches which in the opinion of the National Secretary will assist him or her in the performance of his or her duties and/or functions.
 - (e) Promote and/or organise the education of Officers, employees, members and Delegates of the Union.

ASSISTANT NATIONAL SECRETARY

- (9) There is to be one (1) Assistant National Secretary who is to act according to the directions of the National Conference, National Executive or the National Secretary.

In the absence of the National Secretary and until such time as the National Executive exercises power under subrule (5), the Assistant National Secretary is to exercise the powers and perform the duties of the National Secretary.

TEMPORARY APPOINTMENT OF NATIONAL OFFICERS

- (10) The National Executive may if it thinks it necessary, empower any member thereof to exercise all or any of the powers and to perform all or any of the duties of any National Officer during any temporary absence of such Officer from duty, or while s/he is carrying out the duties and exercising the powers of another Officer pursuant to this Rule, or pending the holding of an election to fill a vacancy in the position of any such National Officer. Any act of a person so empowered is, within the limits of his or her authority, to be of the same force and effect as the acts of the Officer whose power and duties s/he had been empowered to exercise and perform. For the avoidance of doubt periods of annual leave do not constitute temporary absence from duty.

PART 6 – BRANCH STRUCTURE OF THE UNION

RULE 31 – THE BRANCHES AND DIVISIONS OF THE UNION

- (1) Subject to the approval of the National Conference or National Executive, a Branch may function as a single unit of the Union, or it may be divided wholly into Sub-Branches on a job, industry or locality basis, or into Districts.
- (2) When a Branch is divided into Sub-Branches each member must be attached to the appropriate Sub-Branch.
- (3) Subject to the approval of the National Conference or National Executive, two or more Branches may form a Division.
- (4) A Branch Office is to be established for each Branch at such place as the National Executive may from time to time decide. A District or Sub-Branch Office may be established or closed by a Branch Executive subject to the consent of the National Executive.
- (5) The Branch Executive may define Districts within which the District Secretary and Organisers shall organise. The boundaries of such Districts may be altered from time to time.
 - (a) In the event of a Branch altering the number of Districts where Districts are currently in existence, approval of the National Executive is necessary for such alteration.
 - (b) In the event of a Branch not having Districts, National Executive or National Conference approval is necessary to create Districts.
- (6) Where a Branch is divided into Sub-Branches then subject to the approval of the National Executive any number of Sub-Branches may be formed within the area, industry or group of industries covered by a Branch.
- (7) Provided that no Sub-Branch is to consist of less than 20 members. Any question arising as to the Sub-Branch to which a member should belong is to be decided by the Branch Executive.
- (8) The Union is divided into the following Branches and Divisions, namely:
 - (a) QUEENSLAND BRANCH, which includes the whole State of Queensland and the whole of the Northern Territory.
 - (b) The Branch is divided into Districts, each with a District Office, namely:

District
Gold Coast

District Office
Gold Coast

Each District shall have a District Secretary in accordance with Rule 40.

There shall be a Branch Executive comprising the following:

- One Branch Secretary (full time)
- One Branch President (honorary)
- Three Branch Vice-Presidents (honorary)
- Six Branch Executive Committee Members, who are to be elected by the members within the Districts on the basis of one Branch Executive Committee Member for each District (honorary).

- (9) Except as otherwise provided in this Rule, any Commonwealth Territory, other than the Australian Capital Territory and the Northern Territory, is deemed to be part of the Branch closest to or contiguous with any such Territory.
- (10) No Branch is able to be dissolved without the consent of the relevant Branch Executive.
- (11) This subrule must not be varied in respect to any Branch without the consent of the relevant Branch Executive.

RULE 32 – BRANCH AUTHORITY

- (1) Subject always to these Rules, the highest authority of any Branch is:
 - (a) Where Districts have been formed, the Delegate Meeting convened by the Branch, and when the Delegate Meeting is not in session, then the Branch Executive.
 - (b) Where Branches have not formed Districts, the Branch Executive.

RULE 33 – BRANCH EXECUTIVE

GENERAL POWERS OF BRANCH EXECUTIVE

- (1) Subject to the Rules and to the decisions of National Conference and National Executive, the Branch Executive has general control and conduct of the business of the Branch, and acts on its behalf in all matters.

QUORUM

- (2) The quorum at a meeting of the Branch Executive is to be 50 per cent of the members of the Branch.

POWERS LIMITED TO BRANCH MEMBERS

- (3) The powers conferred by the Rules of the Union on a Branch Executive are exercisable only in respect of members of that Branch.

CALLING MEETINGS OF BRANCH EXECUTIVE

- (4) The manner of summoning meetings is, unless otherwise directed by the Branch Executive, to be by notice to each member from the Branch Secretary or Branch President given personally or by writing, telephone, facsimile or electronic mail.

DUTIES OF BRANCH EXECUTIVE MEMBERS

- (5) Every member of Branch Executive must observe and endorse, where it is in their power to do so, any lawful decision of National Conference or National Executive.
- (6) Every Officer or member of the Executive of a Branch or Sub-Branch must disclose respectively to the National Executive or the National Secretary when required any information requested by either of them concerning the Branch or Sub-Branch (as the case may be) or the Union.

POSTAL OR OTHERWISE VOTING OF BRANCH EXECUTIVE

- (7) The Branch Secretary may take a facsimile, electronic mail, or postal vote of the members of the Branch Executive at any time. Such vote has the same effect as a decision of the Branch Executive made in meeting assembled. Provided that, such vote may be returned to the Branch Secretary other than by facsimile, electronic mail or post.

APPOINTMENT OF RETURNING OFFICER

- (8) The Branch Executive may appoint as a Branch Returning Officer, some person who is not:
- a) an unfinancial member of the Union;
 - b) the holder of any Office in the Union or a Branch, Sub-Branch, Section or Division of the Union;
 - c) an employee of the Union or a Branch, Sub-Branch, Section or Division of the Union.

AMOUNT OF EXPENSES AND FARES

- (9) The Branch Executive must, subject to any direction from time to time by the National Conference or National Executive, fix the amount of expenses and fares to be paid to members attending Branch Executive or Sub-Branch Executive meetings and members of the Union when deputed to transact business on behalf of the Union or any Branch thereof.

BRANCH AUDITORS FEES

- (10) Each Branch Executive or Sub-Branch Executive must also fix the fees payable to its Auditors and Branch Returning Officers.

AFFILIATION TO TRADES AND LABOUR COUNCILS

- (11) Branch Executives may, with a view to further consolidating Labour's forces, affiliate with and bear their proportionate shares of the expenses of any form of Labour Federation endorsed by National Conference or National Executive.
- (12) The Branch Executives of the Union are to appoint delegates to Labour Conferences and delegates to Trades and Labour Councils and have the authority to remove and replace delegates.

RULE 34 – BRANCH DELEGATE MEETINGS

TIMING OF DELEGATES MEETINGS

- (1) The Branch Delegate Meeting of Branches with Districts must be held annually and must commence before the end of February each year.

WHO ATTENDS

- (2) The Branch Delegate Meeting comprises:
- (a) The President, Vice Presidents, and Secretary of the Branch;
 - (b) The District Secretaries; and
 - (c) Delegates elected by the members of the various Districts.

CALCULATING DISTRICT REPRESENTATION

- (3) For the purposes of this Rule, the number of financial members for each District during a calendar year must be deemed to be the average number of financial members for the twelve months period ending 30 June in the preceding year. The average number of financial members in each District is to be calculated by dividing total membership contributions received from members in that District in that twelve-month period by the annualised membership contribution determined by the National Executive pursuant to Rule 6. The quantity of total membership contributions for that twelve-month

period is to be determined by the auditor's report provided for in Rule 55(2). Where a Branch has failed to provide the National Executive with the audit and report of its total membership contribution as required by Rule 55(2) in respect of any District, that District's entitlement to delegates pursuant to Rule 34(1) as at the commencement of the next ensuing calendar year must be no more than three quarters of the number of delegates to which it was entitled in the preceding calendar year until the Branch has provided such an audit and report to the National Executive and the average number of financial members in that District has been determined in accordance with this sub-rule. Each District is to be entitled to one delegate for any number of members up to 3,000 and an additional delegate for every further 3,000 members or part thereof.

- (4) District Secretaries must, in accordance with the Rules of the Union, arrange by vote of members within the District for the election of Delegates to Delegate Meetings.

POWERS OF DELEGATES MEETINGS

- (5) The Branch Delegate Meeting shall have the same powers as a Branch Executive, however limited to the operation of the Union at the Branch level.

EXPENSES AND FARES

- (6) A Delegate Meeting must, subject to any direction from time to time by National Conference or National Executive, fix the expenses and fares for delegates attending Delegate Meetings.

RULE 35 – PROPOSALS FOR DELEGATE MEETING

- (1) Proposals for Delegate Meetings are to be forwarded to the Branch Secretary and must be received not later than six (6) weeks prior to the date of the Delegate Meeting.

Proposals may be sent in by:

- (a) the Branch Secretary;
 - (b) the Branch Executive, or any member thereof; and/or
 - (c) any General Meeting, wherever held, consisting of not less than fifteen (15) financial members.
- (2) Proposals forwarded by electronic mail or facsimile will be accepted provided the contents of such electronic mail, or facsimile are confirmed by signed letter posted by pre-paid post to the Branch Secretary within a reasonable time after the date of the electronic mail or facsimile.

RULE 36 – BRANCH PRESIDENT AND BRANCH VICE-PRESIDENT

BRANCH PRESIDENT

- (1) The Branch President has the powers, duties and functions to:
 - (a) Preside at all Branch and Delegate meetings and see that the business is conducted in a proper manner.
 - (b) Be empowered to call meetings of the Branch Executive and to act generally in the furtherance of the objects of the Union.
 - (c) Have a deliberative vote only.
- (2) The Branch President must carry out such other functions as are determined from time to time by the Branch Executive or Branch Secretary.

BRANCH VICE-PRESIDENT

- (3) The duty of the Branch Vice-President is to assist the Branch President at meetings of the Branch. In the absence of the Branch President, one of the Branch Vice-Presidents is to occupy the Chair, conduct the business, and perform all duties of the Branch President. In the absence of the Branch President and Branch Vice-Presidents from any Branch meeting, some other member is to be chosen by the meeting to preside thereat.

RULE 37 – BRANCH SECRETARY AND BRANCH ASSISTANT SECRETARY

- (1) The Branch Secretary is to be the recognised head of the Branch and has the powers, duties and functions to:
- (a) Act generally according to the instructions of the Branch Executive and be responsible for the administration of the Branch.
 - (b) Appoint, control and dismiss the administrative, research, accountancy, organising and specialist staff of the Branch or Sub-Branch.
 - (c) Cause to be kept a correct account of all moneys received and expended but must not pay, lend or otherwise appropriate any of the funds of the Union except in accordance with the Rules, resolutions and Minutes of the Branch Executive and Delegate or General Meetings.
 - (d) Attend all General and Branch Executive Meetings and Delegate Meetings of the Branch and take Minutes of the same or have them taken.
 - (e) Zealously attend to all correspondence and answer such questions as may be asked in accordance with the Rules of the Union.
 - (f) Have kept a memo book and have inserted the date of postage of all correspondence and have kept copies of the same.
 - (g) Sign all letters and returns and have inserted in the Branch's account books details including the date of all moneys received and expended.
 - (h) As far as practicable and subject to Rule 15(11) having been complied with, keep a correct Register of the names, postal addresses and occupations of all Officers and of the name, postal address and subscription number of each member in the Branch and the date on which each person became a member of the Union, and must supply a copy of the Branch Register of members to the National Secretary when required.
 - (i) Forward to the National Secretary every three months a return showing the numerical strength of its Branch and the financial status of the Branch membership.
 - (j) Make available to members at meetings of the Branch, Sub-Branch, or Delegate Meeting, the National Balance Sheet and Statement of accounts of the Union as soon as practicable after these have been issued from the National Office.
 - (k) Make such returns and perform such duties as are expressed or implied in the Rules of the Union.
 - (l) Report the result of any ballots conducted by the Branch Returning Officer at the next meeting of the Branch Executive insofar as any elections held by the Branch Returning Officer are concerned.
 - (m) Endeavour to increase the membership of the Branch.

- (n) Be empowered to convene any meetings of the Branch and the Branch Executive and in a Sub-Branch and a Sub-Branch Executive and shall be entitled to speak and vote at all meetings, and to authorise any District Secretary or Organiser to convene meetings of members.
- (o) Take all reasonable steps to advance and protect the interests of the Union and its members including the power to:
 - (i) Make any claim or demand on employers, prospective employers or other persons or organisation to protect or improve the wages, conditions and/or welfare of members or eligible members of the Union;
 - (ii) Take such other steps as may be necessary or desirable to improve the wages, conditions and/or welfare of members or eligible members of the Union;
 - (iii) Execute any document required to be executed on behalf of the Branch;
- (p) Initiate, conduct and/or respond to matters in tribunals and/or courts considered necessary or desirable to advance or protect the welfare of the Branch and/or its members and is empowered to authorise and direct any Officer, paid employee or representative (including legal representative) of the Union to prepare papers, conduct cases and if necessary act on behalf of the Union in any dispute or in relation to any issue which may arise which is within the province of the Branch;
- (q) Promote and/or organise the education of Officers, employees, members and Delegates of the Union;
- (r) Dismiss any Delegate who breaches the Rules or who acts contrary to the policies of the Union, whether appointed by the Organiser or elected by a ballot of members provided that any person so dismissed has the right of appeal to the Branch Executive;
- (s) Comply with any decision or direction as to the management and control of the Branch as may be made by National Conference, National Executive or Branch Executive.

BRANCH ASSISTANT SECRETARY

- (1) The Branch Assistant Secretary must carry out such functions as are determined from time to time by the Branch Executive or the Branch Secretary. In the absence of the Branch Secretary, or pending the decision of the Branch Executive in the event of such Office being vacant the Branch Assistant Secretary is to exercise the powers and perform the duties of Branch Secretary.

RULE 38 – DISTRICT SECRETARIES

- (1) When a District has been apportioned and defined, the Branch Executive must temporarily appoint a District Secretary, and must make arrangements to fill the position by election. District Secretaries are to be elected every four years by a vote of members within the Districts for which they have to act.

DUTIES OF DISTRICT SECRETARY

- (2) District Secretaries must carry out such functions as are determined from time to time by the Branch Executive or the Branch Secretary.

RULE 39 - BRANCH ORGANISERS AND OFFICERS

- (1) All Organisers and Officers, elected or employed, must in all cases conform to the direction of the National Secretary, Branch Secretary or District Secretary by which they are employed. Every member

must observe, abide by and carry out each of the Rules of the Union applicable to them as an Organiser or Officer.

- (2) It is contrary to the Rules of the Union for any member, Organiser or Officer to threaten, initiate, encourage or engage in unprotected industrial action as defined by the relevant legislation.

PART 7 – ADVISORY COMMITTEES

RULE 40 – LOCAL COMMITTEES

- (1) For the purpose of furthering the work of the organisation, a Branch Executive may, if they think it advisable, form Local Committees in any town or district to perform such advisory functions only as may be determined by the Branch Executive.
- (2) By-laws for the control and government of a Local Committee are subject to approval by the Branch Executive. Local Committees are only empowered to act as an advisory body to the Branch Executive.
- (3) The Secretary and members of the Local Committee must be approved by the Branch Executive.

RULE 41 – SECTION COMMITTEES

- (1) The National Executive and Branch Executives may establish, alter, amend or abolish Section Committees and must define the limits within which each Section Committee has jurisdiction and appoint members to the Committee thereof for the purpose of furthering the interests of the Union and of advancing and protecting the interests of that section of labour in the Union. Provided that Section Committees are to perform advisory roles only.
- (2) Section Committees established by National Executive are subject to the control of National Conference and/or National Executive.
- (3) Section Committees established by a Branch Executive are subject to the control of the Branch Executive.
- (4) By-laws for the control and conduct of a Section Committee, where established by a Branch Executive, are to be subject to approval by the Branch Executive, and where established by National Executive, are to be subject to approval by the National Executive.

PART 8 - WORKPLACE REPRESENTATIVES

RULE 42 - WORKPLACE DELEGATES

- (1) Where groups or gangs or teams of workers are working there should be a representative or Delegate who must be a member of the Union. The Delegate will either be elected by members at a meeting called for that purpose or appointed by the Branch Secretary, Branch Assistant Secretary or an Organiser, provided that the election or appointment may be subject to the endorsement of the Branch Secretary or Branch Executive.
- (2) Delegates are to be elected at least biennially, in the first quarter of each year, by the members at a meeting to be held on the job. In the case of full-time delegates, the delegate shall be elected every two years or for a longer term as determined by the Branch Executive. Provided that the position of the Delegate is not invalidated by reason of non-compliance with this subrule or ineligibility to hold office.

- (3) Where circumstances warrant and at the discretion of the Branch Secretary, a Senior Delegate may be elected or appointed from amongst the Delegates. The Senior Delegate shall have the same rights and responsibilities as a Delegate, except that they are also responsible for the effective coordination of other Delegates at the workplace.
- (4) A Delegate must supply the Secretary with a permanent address and contact details immediately after appointment and upon any subsequent change.

POWER OF ORGANISERS TO APPOINT OR DISMISS REPRESENTATIVES

- (5) Delegates must at all times act in compliance with the Rules of the Union.
- (6) Organisers have the power to appoint Delegates and to dismiss any Delegate who breaches the Rules or who acts contrary to the policies of the Union, whether appointed by the Organiser or elected by a ballot of members. Provided that any person so dismissed has the right of appeal to the Branch Executive or National Executive.

COLLECTING MONEY

- (7) The Delegate may, at the discretion of the Branch Secretary, be issued with a receipt book and/or register in which the Delegate will record all moneys received by way of union dues, contributions, levies, fines or otherwise on behalf of the Union. All moneys received shall be held by the Delegate on trust for the Union and must be forwarded to the Secretary as soon as conveniently possible.

RETURN OF UNION PROPERTY

- (8) In the event of any Delegate leaving the position as delegate or leaving the workplace or locality they must communicate with the Secretary and must return all Union property in their possession unless they have permission of the Secretary to do otherwise.

DUTIES OF DELEGATES

- (9) A Delegate shall act as the Union representative in the place or area. In conjunction with the Officers of the Union, the duty of a Delegate is to advance and protect the interests of the Union and the wages, conditions and welfare of its members by the following means:
 - (a) Promoting the Union, its activities and the benefits of membership, including participating in induction sessions for new employees;
 - (b) Enrolling persons into the Union at the workplace and maintaining a high standard of financial membership;
 - (c) Providing assistance to any member of the Union requiring it, including assisting in the resolution of disputes;
 - (d) Promoting and campaigning for improved conditions of employment in the workplace and/or industry;
 - (e) Negotiating or assisting in negotiating enterprise agreements including by preparing members' claims, representing the Union during negotiations and communicating regularly with members and Officers;
 - (f) Encouraging and promoting the training of Delegates and of members in matters affecting their conditions of employment and participating in such training where appropriate;
 - (g) Dealing with instances of a breach of any industrial instrument or Union policy or regulation applying at the workplace;

- (h) Dealing with occupational health and safety issues, including instances of any unguarded or dangerous machinery or hazardous working conditions at the workplace;
 - (i) Distributing or disseminating all notices, newsletters, documents and messages sent by the Union;
 - (j) Complying with any reasonable request of an Officer of the Union.
- (10) It is contrary to the Rules of the Union for any Delegate to threaten, encourage or engage in unprotected industrial action as defined by the relevant legislation.
- (11) At the request of a Branch Secretary or Organiser, a delegate may be required to provide a report as to:
- (a) The name, address, work location and contact details of members at the workplace, including information regarding members who have commenced or left employment or changed their contact details;
 - (b) The names and work locations of all persons employed at the workplace who are eligible to be members of the Union but who are not;
 - (c) Relevant information regarding the employer, including any changes to the legal status, or address of the employer;
 - (d) Any instance of breach of the industrial instrument, Union policy or other regulation;
 - (e) Any industrial dispute;
 - (f) Any matter that concerns the Union or its members.

RULE 43 - OCCUPATIONAL HEALTH & SAFETY REPRESENTATIVE

- (1) An Occupational Health and Safety (OHS) representative may be elected by members at a meeting called for that purpose or appointed by the Branch Secretary, Branch Assistant Secretary or an Organiser, provided that the election or appointment may be subject to the endorsement of the Branch Secretary or Branch Executive.
- (2) It is the duty of the OHS representative to promote and develop measures to ensure the health and safety of members at work, to monitor the effectiveness of such measures and to perform such other functions as are determined by the Branch Executive.

PART 9 – MEETINGS

RULE 44 – CALLING AND POSTPONING MEETINGS

CONVENING OF GENERAL MEETINGS

- (1) The National Executive must hold a general meeting, or cause it to be held, if required to do so under this constitution.
- (2) General meetings of all District Branches and Sub-Branchees within its jurisdiction must be convened at the written request of:
 - (a) three quarters of the National Executive ; or
 - (b) the Chair; or

- (c) 10% of Sub-Branches from within a District Branch, rounded up to the nearest whole number.
- (3) A written request mentioned as set out in Rule 44(2) must explain:
 - (a) why the special general meeting is being called; and
 - (b) the business to be conducted at the meeting including the resolutions to be voted upon.

CONVENING OF ANNUAL GENERAL MEETING (AGM)

- (4) The Board shall convene an AGM of all District Branches and Sub-Branches within its jurisdiction at least once a calendar year, at such time and place and on such date as the Board may determine.

NOTICE OF MEETINGS

- (5) The Board may give notice of a general meeting by any form of communication decided, in the discretion of the Board, however:
 - (a) the notice of a general meeting must specify the place, the day, and the hour of meeting and if the meeting is to be held in two or more places, the technology that will be used to facilitate the meeting; and
 - (b) the general nature of the business to be transacted.
 - (c) The accidental omission to give notice of any general meeting to, or the non-receipt of a notice by, a person entitled to receive notice does not invalidate a resolution passed at the general meeting.

ADJOURNMENT OF MEETINGS

- (6) The chairperson:
 - (a) must adjourn a meeting if the requirements of Rules 44(2) and 44(5) are not met, and may, with the consent of any general meeting at which a quorum is present, and must if so, directed by the meeting, adjourn the meeting to another time and to another place.
 - (b) The only business that may be transacted at any adjourned meeting is the business left unfinished at the meeting from which the adjournment took place.
 - (c) When a meeting is adjourned for less than 30 days, it is not necessary to give a notice of an adjournment or of the business to be transacted at an adjourned meeting.
 - (d) When a meeting is adjourned for 30 days or more, notice of the adjourned meeting must be given as in the case of calling an original general meeting.

CANCELLATION OF MEETINGS

- (7) The Board may cancel a general meeting if notice of the cancellation is given to all persons entitled to receive notice of the meeting at least two business days prior to the time of the meeting as specified in notice of meeting.

RULE 45- MEETING MINUTES

- (8) Minutes recording the proceedings, decisions and resolutions of Branch committees of management including Branch Executive or equivalent must be taken. A copy of these minutes must be kept by the relevant Branch.

RULE 46 – ANNUAL GENERAL MEETINGS AND ORDINARY MEETINGS OF BRANCHES

TIME AND PLACE OF ANNUAL GENERAL MEETING

- (1) Annual General Meetings of members of each Branch must be held at any time between August and October each year and at such places as may be determined by the Branch Executive.

AGENDA OF ANNUAL GENERAL MEETING

- (2) Annual General Meetings are to consider Balance Sheets, discuss any resolution brought forward and take any constitutional action they may deem advisable.

DURATION OF MEETINGS

- (3) Meetings are to terminate at a time determined by the Branch, not being later than 10.00 p.m. provided that the meeting may extend the time till not later than 10.15 p.m. for the purpose only of completing business commenced before 10.00 p.m.

ORDER OF BUSINESS OF ORDINARY MEETINGS

- (4) The order of business at an ordinary meeting is to be as follows, unless decided otherwise by majority vote of members present:
 - (a) Reading and adoption of Minutes of previous meeting;
 - (b) Discussion of motions of which previous notice has been given;
 - (c) Consideration of reports from the Branch Executive;
 - (d) Reading and consideration of correspondence;
 - (e) Reports;
 - (f) General Business.

ADJOURNMENT OF MEETINGS

- (5) The President or Chair may adjourn or close any meeting if the conduct of persons present thereat makes it impossible for him or her to maintain order, or to secure the observance of the Rules of the Union.

APPOINTMENT AND ROLE OF GUARDIANS

- (6) A guardian or guardians may be appointed by the Branch Executive whose duties are to attend General or Special Meetings to prevent any person from entering the meeting room unless he is a financial member of the Branch or unless the President gives permission. A guardian may appoint such assistants as s/he may require at any meeting from among the financial members present, and subject to the directions of the guardian such assistants may exercise the powers of guardians at a meeting.

INTOXICATED MEMBERS

- (7) No member is to be admitted to a meeting whilst in a state of intoxication.

PROOF OF FINANCIAL MEMBERSHIP

- (8) Each member shall before entering a meeting produce to the guardian his or her current membership ticket, or other proof to the satisfaction of the guardian that he or she is a financial member, and shall give his or her name in his or her ordinary signature in an attendance book, and shall enter therein his or her place of employment or if not employed his or her place of residence and his or her membership ticket number or, if he or she has no membership ticket, such information as the guardian may require.

UNAUTHORISED PERSONS AT A MEETING

- (9) No person who has entered a meeting in contravention of this Rule is entitled to speak, vote or otherwise participate in the meeting and may be removed therefrom. If persons enter a meeting place in contravention of this Rule the President may refuse to open the meeting, or may close the meeting until they are satisfied that such persons have left the meeting place, and if they fail to do so within a time specified by him or her, he or she may cancel or terminate the meeting.

RULE 47 – EXTRAORDINARY AND SPECIAL GENERAL MEETINGS

REQUESTING AN EXTRAORDINARY GENERAL MEETING

- (1) Upon receipt of a requisition signed by 10 per cent of the members of the Branch or Sub-Branch or signed by 10 per cent of the members residing within a District, the Branch or Sub-Branch or District Secretary must call an Extraordinary General Meeting of the Branch or Sub-Branch or District as the case may be to take place at a time and place fixed by the relevant Secretary, provided the business to be discussed is legitimate Union business. Each member signing the requisition shall state clearly their full name and address, occupation and present or last place of employment, giving the date when they left employment if not immediately employed. Only financial members shall be entitled to sign requisitions and attend and vote at such meetings.
- (2) Provided that, in the case of Extraordinary General Meetings for the purpose of members considering the auditor's report, the general purpose financial report and the operating report, all members of the Branch, both financial and unfinancial members, shall be entitled to sign requisitions and attend and vote at such meetings; provided further that requisitions for such meetings require signing by only 5 per cent of the members of the Branch.

NOTICE OF EXTRAORDINARY GENERAL MEETINGS

- (3) Notice as to the time and place of an Extraordinary General Meeting shall be given in the same manner as provided in Rule 47(5).

CALLING SPECIAL GENERAL MEETINGS

- (4) Special General Meetings of Branches or Sub-Branched may be called by the Branch Executive whenever deemed necessary.

NOTICE OF SPECIAL GENERAL MEETINGS

- (5) Special General Meetings of the Branch or Sub-Branch may be summoned by the Branch Secretary giving notice of the time and place of the meeting and of the purpose for which the meeting is summoned by notice:
- (a) in any appropriate daily newspaper;
 - (b) on the Union's website;
 - (c) to members' representatives at their address kept at the office of the Union or the Branch;
 - (i) in letters circulated, email, or written notice to the members;

- (ii) by telephone, orally; or
- (iii) by any one or more of the above methods.

VALIDITY OF SPECIAL GENERAL MEETINGS

- (6) A special Meeting shall be deemed to be valid notwithstanding informality in the Notice provided that the substance is fairly given and notwithstanding that every job representative is not notified or that all members concerned are not notified provided there is substantial compliance with this Rule.

DURATION OF MEETINGS

- (7) Meetings are to terminate at a time determined by the Branch, not being later than 10.00 p.m. provided that the meeting may extend the time till not later than 10.15 p.m. for the purpose only of completing business commenced before 10.00 p.m.
- (8) A national extraordinary general meeting may be requested for the purpose of considering the auditor's report, the general purpose financial report, and the operating report. Requisitions for such meetings must be signed by at least five per cent of the members of the Union. All members of the Union shall be entitled to sign requisitions, attend and vote at such meetings.
- (9) The national extraordinary general meeting must be requested in writing, and addressed and delivered to the National Secretary. Upon receiving a valid request for a national extraordinary general meeting, the National Secretary must give all members of the Union not less than fourteen days' notice of the date, time and place, and reason for calling the national extraordinary general meeting.
- (10) Notice of a national extraordinary general meeting may be given:
 - (a) by publishing a notice on the Union's website;
 - (b) by posting a notice to members' representatives at their address kept at the office of the Union or the Branch;
 - (c) in letters circulated, emails, or written notices to the members;
 - (d) by telephone, orally; or
 - (e) by any one or more of the above methods.
- (11) At the general meeting the National President shall preside. All members of the Union shall be entitled to attend and vote. The National Secretary may use the occasion of the meeting to add matters to the meeting other than the auditor's report, a general summary of the financial report, and the operating report. However, these three reports must be the first order of business of the meeting. Meetings may also be held in each State or other geographic area to facilitate member attendance.
- (12) Not less than five per cent of the total number of members of the Union shall form a quorum. The questions of the adoption or otherwise of each of the three reports shall be decided by a majority of those members present at the meeting. In the event of an even vote, the Chair shall have the casting vote.

RULE 48 – QUORUM

- (1) The general meeting may not transact any business unless a quorum of Delegates is present at the time when the meeting proceeds to business.

- (2) Except as otherwise set out in this constitution, Delegates representing 25% of the Union present in person is a quorum.
- (3) If a quorum is not present within half an hour from the time appointed for the meeting or a longer period allowed by the chairperson:
 - (a) if the meeting was convened by virtue of a request under Rule 44(2), it must be dissolved.
 - (b) if the meeting is convened by any other means, the meeting:
 - (i) shall be adjourned for at least 7 days; and
 - (ii) the Board is to decide the day, time and place of the adjourned meeting.

QUORUM AT ADJOURNED GENERAL MEETINGS

- (4) At the adjourned meeting Delegates representing 15% of the Union is a quorum but if a quorum is not present within half an hour after the time appointed for the meeting, the meeting must be dissolved.

PART 10 – RULES OF DEBATE

RULE 49 – RULES OF DEBATE

- (1) The following Rules of debate must be observed at all meetings of anybody or of members held pursuant to these Rules:
 - (a) Any member desiring to propose a motion or an amendment, or to discuss any matter under consideration, must rise and address the Chair. The right of speaking on any subject belongs to him or her who first rises to address the Chair. No member is allowed to speak more than once to a motion or amendment without the consent of the meeting. When two or more members rise together the Chair must call upon the member who, in his or her opinion rose first in his or her place. The mover of the original motion has the right to reply. No further discussion is allowed after the mover has replied;
 - (b) All motions and amendments must be presented in writing when directed by the Chair;
 - (c) No member, when speaking, is to be interrupted unless called to order, when called the member must sit down, and the member calling to order must be heard in support of his or her point, and the Chair may either hear further discussion or decide at that stage, but such point must be decided before the debate is resumed;
 - (d) Any motion or amendment not seconded must not be further debated, but lapses;
 - (e) The question having been proposed may be amended by leaving out, substituting or adding words. Any number of amendments may be proposed and discussed simultaneously with the original motion. When amendments have been put and lost the original motion must then be put to the meeting;
 - (f) No amendment is to be received by the Chair which is a direct negative of a motion, or which does not preserve the substance of such motion;
 - (g) Immediately the debate on any question is concluded the Chair must put the question to the meeting in distinct and audible manner;

- (h) The question being put must be resolved in the affirmative or negative by a show of hands unless a ballot or division be demanded by at least five members;
- (i) Any five members have the right to demand a ballot or division of those present on any matter before the meeting;
- (j) No member is allowed to speak on any motion after the same has been put by the Chair;
- (k) When the Chair rises during a debate, the member then speaking or proposing to speak must sit down, and the Chair must be heard without interruption;
- (l) A majority of two-thirds of the members present for the meeting may suspend any standing order for the purpose of reopening any question previously dealt with or for the consideration of urgent business;
- (m) The mover of a motion is to be allowed no more than five minutes to speak to a motion and no other member is to be allowed more than five minutes to speak to a motion unless with the concurrence of the meeting;
- (n) Any member dissatisfied with the Chair's ruling may move a motion of dissent in the following terms: "that the Chair's ruling be dissented from". In such case the person permitted to speak is the mover and the Chair, who may state their reasons for the ruling given. The motion must thereupon be put to the meeting by the Vice-Chair without further discussion, in the following form: "The motion is that the Chair's ruling be upheld";
- (o) No more than two (2) members are to speak in succession on one (1) side 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 amendments must be put to the meeting after the mover has replied;
- (p) In the event of the voting on any motion being equal the Chair must declare the motion lost;
- (q) Any member who has not spoken in the debate has the right to move: "That the question be now put" at any time during the course of debate. Such motion must be put without discussion;
- (r) A motion for the adjournment of any business or of any meeting may be proposed without discussion at any time during such meeting, and must at once be put to the meeting by the Chair. Such adjournment must follow if carried by a vote of the members present;
- (s) Matters decided must not be debated again unless one month's notice of rescission is given.
- (t) Notice of intention to move rescission of a previous decision must be tendered to the Chair in writing. Any motion of rescission once rejected must not be discussed again for a period of six months. Subrule (s) of this Rule shall not apply at National Executive or National Conference or Branch Executive meetings;
- (u) Any member who delivers a report to a meeting of the Union has the right to move a motion at the conclusion of their report for adoption of the report;
- (v) Provided that no decision of any meeting is to be invalidated by reason only of any failure to observe any procedural requirement of this Rule (other than of Subrule (s)), if no objection is taken at the time;
- (w) Any member who wants to bring on any business must give written notice, and must read it aloud. This notice must state the day the member proposes to move such motion, and the member must hand a copy to the Secretary. No notice entered on the business paper is to be proceeded with unless the member who is giving such notice, or someone authorised by the member, is present when the business is called to order. Notices not so proceeded with are to be

struck out. Note: Notices of motion are required only for the purpose of rescinding or altering Rules or By-laws, or some previous resolution involving any departure from the usual routine of business.

PART 11 - FINANCES

RULE 50 – PROPERTY, ASSETS AND FUNDS - HOW HELD AND WITHDRAWN

HOLDING PROPERTY AND FUNDS

- (1) All property and funds of the Union must vest in the Union directly.
- (2) Subject to Rule 50(1), all moneys, books and property held by any Branch Executive, Branch, Division, District, or Sub-Branch or Officer or member of the Union for or on behalf of the Union or any Branch Executive, Branch, Division, District, or Sub-Branch thereof, is absolutely vested in the Union.

RESPONSIBILITY WHEN HOLDING FUNDS

- (3) Each Branch Executive, Branch, Division, District, Sub-Branch, Officer or member is liable to account to the National Executive for the proper use of the money, books or property.

RETURN OF FUNDS

- (4) In the event of any Branch Executive, Branch, Division, District or Sub-Branch being closed or any Officer or member being expelled or suspended or removed from Office, it or s/he must on demand deliver any such moneys, books and/or property to the National Executive or any Officer authorised by the National Executive to receive them.

BANKING AND WITHDRAWAL BY NATIONAL OFFICE

- (5) All moneys received by the National Office must be paid to the credit of the Union on current account with such bank, banks, financial institution and/or financial institutions as may be determined from time to time by the National Executive.

PAYMENT OF MONEYS TO THE UNION

- (6) All Officers, employees, representatives and agents of the Union when receiving moneys on behalf of the Union or any Branch or District must request the person paying the moneys to pay either by cheque drawn in favour of the Funds Transfer to the official bank account of the Union.

ORDINARY AND EXTRAORDINARY EXPENDITURE BY NATIONAL OFFICE

- (7) Funds may be disbursed for ordinary purposes by any Officer or Officers authorised by National Executive and subject to such limitations as National Executive may impose, or otherwise as authorised by and in compliance with the Rules of the Union.
- (8) Funds may be disbursed for extraordinary purposes under the authority of a resolution of National Conference or National Executive.

INVESTMENT OF FUNDS

- (9) The funds of the Union must be invested wherever possible in the name of the Union.

CONTROL OF PROPERTY

- (10) Subject to Rule 51(1), the National Executive has control of all property of the Union.

VARYING THIS RULE

- (11) This Rule must not be varied without the consent of all the Branch Executives of those Branches.

RULE 51 – LIMITATION AND LIABILITY FOR EXPENDITURE

LIMITATION ON THE AUTHORITY TO AUTHORISE EXPENDITURE

- (1) The National Executive or a Branch Executive must not under any circumstance authorise any expenditure including entering into any contract or agreement of a commercial nature which makes the Branch or Union liable for any future expenditure unless the actual income or the budgeted income is sufficient to meet all expenditure requirements.

LIMITATION ON OFFICERS TO MAKE OR INCUR EXPENDITURE

- (2) An Officer or employee of the union or of a Branch or sub-Branch must not under any circumstances incur or make any expenditure including entering into any contract or agreement of a commercial nature which makes the Branch or Union liable for any future expenditure unless the actual income or the budgeted income is sufficient to meet all expenditure requirements.

PERSONAL LIABILITY FOR UNAUTHORISED EXPENDITURE

- (3) Any National Executive member or any Branch Executive member acting in breach of Rule 51(1) and any officer or employee acting in breach of Rule 51(2) is to be personally liable for any expenditure incurred or made.

RULE 52 – RECEIPT AND EXPENDITURE OF FUNDS BY BRANCHES

DEPOSITING OF MONEY RECEIVED

- (1) Each Branch Secretary must deposit all moneys received on behalf of the Union in the current account at the branch of the bank or financial institution as has been determined by the National Executive. The Branch Secretary must obtain a receipt for each deposit. All moneys must be deposited immediately after receipt, and without any deduction other than delegate's commission. Each Branch Secretary must remit to the National Secretary at least once in every month, and more often when required to do so by the National Secretary, a statement of all moneys received by the Branch on behalf of the Union and a statement of all expenditure incurred by the Branch.

ORDINARY EXPENDITURE

- (2) The disbursement of funds for ordinary purposes of the Branch or Sub-Branch is to be made only by an Officer, Officers or employee authorised by the Branch Executive and subject to such limitations as it may impose, or by the Branch Executive.

EXTRAORDINARY EXPENDITURE

- (3) The disbursement of funds for extraordinary purposes is to be made only under the authority of a resolution of the National Conference or National Executive.

FINANCIAL RECORDS TO BE KEPT

- (4) All deposit receipts, invoices, vouchers, receipts and other financial records must be kept by the Branch Secretary in the Branch Office unless and until otherwise directed by National Conference or National Executive, and must be produced on demand to the National auditor, Branch auditor, the National Secretary or any person authorised in writing by the National Secretary.

VARYING THIS RULE

- (5) This Rule must not be varied without the consent of all the Branch Executives.

RULE 53 – CONTRIBUTION TO NATIONAL OFFICE

AMOUNT OF CONTRIBUTION

- (1) The Branches of the Union must contribute towards the maintenance of National Office the amount determined by the National Executive.

WHEN THE CONTRIBUTION IS TO BE PAID

- (2) The maintenance contribution must be paid monthly in advance, and prorated between the Branches.

METHOD OF PAYMENT

- (3) Payment of the contribution must be signed by the Officers authorised to operate the relevant Branch account.

CALCULATING THE AMOUNT OF CONTRIBUTION

- (4) The maintenance contribution is to be derived from the total income of the Branches received in accordance with Rules 7 and 8 and verified from the audited Balance Sheet of the Branches for the preceding year.

USE OF CONTRIBUTIONS

- (5) Contributions received by National Office in accordance with this Rule are to be used for the maintenance of National Office and for any other purpose in the interests of the members as directed by the National Executive.

LONG SERVICE LEAVE AND SUPERANNUATION CONTRIBUTIONS

- (6) In addition, the National Executive shall have the authority to direct the Branches to finance Long Service Leave and Superannuation for Officers and employees of the Union in that Branch.

VARYING THIS RULE

- (7) This Rule must not be varied without the consent of the Branch Executives.

RULE 54 – BRANCH FUNDS

HOLDING FUNDS

- (1) Funds may be invested by the Branch and in the name of Union and identified as being for the use of that particular Branch in any of the following: Bank Savings Accounts, Bank Savings Investment Accounts or Term Deposits, Bank endorsed Bank Bills of Exchange, Government or semi-Government Securities, Secured Debentures in listed Public Companies or shares in listed Public Companies except mining and/or exploration companies and any other investment authorised by Rule 51.

WITHDRAWAL OF FUNDS

- (2) No funds are to be withdrawn from the bank except by cheque signed by the Branch Secretary and counter-signed by the Branch President or a Branch Vice-President or the Branch Assistant Secretary.

ANNUAL AUDIT OF ACCOUNTS

- (3) All books, vouchers and accounts must be audited annually by one duly certified Auditor appointed by the Branch Executive.

WAGES OF BRANCH EMPLOYEES

- (4) Notwithstanding the provisions of Rule 23(m) each Branch Executive is to determine the salary or wages for employees of that Branch.

EXPENSES AND FARES

- (5) Notwithstanding the provisions of Rule 33(9) the Branch Executive is to fix the amount of expenses and fares to be paid to members attending Branch Executive meetings and members of the Union when deputed to transact business on behalf of that Branch.

VARYING THIS RULE

- (6) This Rule shall not be varied without the consent of the Branch Executives.

RULE 55 – ACCOUNTS AND AUDIT

- (1) The financial year of the Union, including Branches, ends on the 30th day of June of each year. The original and two duplicate copies of the audited Balance Sheet, and the original and one duplicate copy of the report of the Auditors must be filed with the Industrial Registrar within five months from the date thereof and a copy of the Balance Sheet and Report certified by the Auditor must be presented to the National Conference by the National Secretary.
- (2) Each Branch Executive and each Branch Secretary must provide to the Branch auditor by 31 July in each year full access to all records of the Branch or records in its possession or control containing information as to the total membership contributions received by the Branch and each District of the Branch in the preceding financial year. The Branch auditor is required to provide by the 30th of September an audit and report of an accurate figure of those total membership contributions. The Branch Secretary must forward that audit and report to the National Executive and each Branch Secretary before 15 October in each year.
- (3) Each Branch must file with the audited Balance Sheet and the Auditor's Report outlined in Rule 55(1), an Operating Report as prescribed by the *Fair Work (Registered Organisations) Act 2009*.

RULE 56 – AUDITORS

NATIONAL AUDITOR

- (1) The National Executive must appoint biennially an auditor residing in the same city in which the National Office is located who must at least once a year as soon after June as possible and at such other times as the National President directs, audit the books and accounts of the Union and draw up a correct report on them. The National auditor must be given full and complete access to all the books and documents of the Union and of the Branches, Divisions, Districts and any sub-Branches.
- (2) An auditor finding any deficiency must state the particulars in a report, which must be made available to the following National Executive Meeting.

BRANCH AUDITORS

- (3) Each Branch Executive must appoint annually an auditor, residing in the same State as the Branch office who must each year as soon after 30th June as possible or at such other times as he may be required so to do, audit the books, pay-in slips, bank deposit slips, statements of expenditure and other

documents in the manner directed from time to time by the National auditor. Such direction should not, however, act to restrict the auditor's rights and obligations under the *Fair Work (Registered Organisations) Act 2009*. The Branch auditor must be given full and complete access to all books and documents of the Branch, Districts and sub-Branches.

- (4) The Branch Secretary and any Officer or employee must give such information as the auditor may request. The auditor is to receive such sum for their services as the Branch Executive may reasonably decide upon.

RULE 57 – LOANS, GRANTS AND DONATIONS

- (1) A loan, grant or donation, must not be made by the Union or any Branch as the case may be, unless the National Executive of the Union has:
 - (a) Satisfied itself:
 - (i) that the making of the loan, grant or donation, would be in accordance with the Rules of the Union; and
 - (ii) in relation to a loan, that, in the circumstances, the security proposed to be given for the repayment of the loan is prudent and the proposed arrangements for the repayment of the loan are satisfactory; and
 - (b) Approved the making of the loan, grant or donation.
- (2) Nothing in Rule 57(1) is to affect the Union or a Branch's power to make donations, less than \$1,000. However, National Executive may from time to time set a maximum donation figure of lower than \$1,000.

RULE 58 – COMMISSION

- (1) Subject to approval by the relevant Branch Secretary, commission on members' contributions may be allowed to local agents, local representatives, job representatives, secretaries of Local Committees and secretaries of Section Committees.
- (2) Without limiting the generality of Rule 58(1) commission may be allowed to a representative on all members' contributions received by such representative for which the representative is directly responsible on the job.
- (3) Without limiting the generality of Rule 58(1) commission may be allowed to a representative on all members' contributions paid through payroll deductions or direct debit by members for which the representative is directly responsible on the job.
- (4) The rate or rates of commission are to be fixed by the Branch Executive.
- (5) No member is to issue a receipt in a Branch unless the person to whom such receipt is issued is working within the coverage of that Branch.
- (6) No Commission is to be allowed for any full-time Officer or employee of the Union.

RULE 59 - HONORARIUMS

- (1) Subject to the approval by the relevant Branch Secretary/Branch Executive, honorariums may be allowed to local agents, local representatives, job representatives, secretaries of local committees and secretaries of section committees

- (2) The amount of honorarium is to be fixed by the Branch Executive.
- (3) No honorarium is to be paid to any full-time officer or employee of the Union, except as provided by Rule 30(1) - National President that may also hold a full-time position with the Union.

RULE 60 – ACCESS TO RECORDS AND REGISTER OF MEMBERS

- (1) All records showing the financial transactions of the Union are to be kept at the Registered Office of the Union and are to include a register of the names and addresses of all the members.
- (2) A register of the members and all records concerning the financial transactions of the Branch are to be kept by the Branch Secretary showing the name, address and financial standing of each member and such other matters as may be directed.
- (3) A financial member making a specific request to inspect a part or parts of the records of the Union or of the Branch, Division or District of which he is part must be permitted to do so provided that:
 - (a) the request provides sufficient particulars of the information sought;
 - (b) reasonable notice is given;
 - (c) no copies may be made or documents removed without the written authority of the relevant Secretary.

PART 11A - REQUIREMENTS FOR EXPENDITURE POLICIES, DISCLOSURES AND FINANCIAL MANAGEMENT TRAINING OF OFFICERS

RULE 61 – DEFINITIONS FOR PART 11A

In the interpretation of the Rules in this Part 11A, the following words and expressions shall have the following meanings:

- | | |
|-----------------------------|---|
| (a) board | means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors. |
| (b) disclosure period | For the purpose of these rules means the financial year unless a shorter period is specified. |
| (c) declared person or body | <p>A person is a declared person or body if:</p> <ol style="list-style-type: none"> (i) an officer of the <i>organisation/branch</i> has disclosed a material personal interest under Rules 65(1) or 66(1); and (ii) the interest relates to, or is in, the person or body; and (iii) the officer has not notified the <i>organisation/branch</i> that the officer no longer has the interest. |
| (d) financial duties | includes duties that relate to the financial management of the organisation or a branch of the organisation. |
| (e) General Manager | means the General Manager of the Fair Work Commission. |

- (f) non-cash benefit 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.
- (g) peak council has the same meaning as defined by section 12 of the *Fair Work Act 2009*.
- (h) office has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*.
- (i) officer has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.
- (j) related party has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009*.
- (k) relative in relation to a person, means:
- (i) parent, stepparent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
 - (ii) the spouse of the first mentioned person.
- (l) relevant in relation to an officer of the *organisation/branch* for a disclosure period is the sum of the following:
- (i) any remuneration disclosed to the *organisation/branch* by the officer under Rules 63(1) or 64(1) during the disclosure period;
 - (ii) any remuneration paid during the disclosure period, to the office by the *organisation/branch*.
- (m) relevant non-cash benefits in relation to an officer of the *organisation/branch* for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the *organisation/branch* or by a related party of the *organisation/branch*.
- (n) remuneration
- (i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
 - (ii) does not include a non-cash benefit; and
 - (iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.

RULE 62 – POLICIES AND PROCEDURES ON EXPENDITURE OF ORGANISATION AND BRANCHES

- (1) The organisation shall develop and implement policies and procedures relating to the expenditure of the organisation.
- (2) Each branch shall develop and implement policies and procedures relating to the expenditure of the branch.

RULE 63 – DISCLOSURE OF RELEVANT REMUNERATION AND NON-CASH BENEFITS OF OFFICERS OF THE ORGANISATION

- (1) Each officer of the organisation shall disclose to the organisation any remuneration paid to the officer:
 - (a) because the officer is a member of a National Executive, if:
 - (i) the officer is a member of the National Executive only because the officer is an officer of the organisation; or
 - (ii) the officer was nominated for the position as a member of the National Executive by the organisation, a branch of the organisation, or a peak council; or
 - (b) by any related party of the organisation in connection with the performance of the officer's duties as an officer.
- (2) The disclosure required by Rule 63(1) shall be made to the organisation:
 - (a) in writing, as soon as practicable after the remuneration is paid to the officer; or
 - (b) by way of standing disclosure in accordance with section 293BB of the *Fair Work (Registered Organisations) Act 2009*.
- (3) The organisation shall disclose to the members of the organisation and its branches:
 - (a) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and
 - (b) for each of those officers:
 - (i) the actual amount of the officer's relevant remuneration for the disclosure period; and
 - (ii) the value and form of the officer's relevant non-cash benefits for the disclosure period.
- (4) For the purposes of Rule 63(3), the disclosure shall be made:
 - (a) in relation to each financial year;
 - (b) within six months after the end of the financial year; and
 - (c) in writing.

RULE 64 – DISCLOSURE OF RELEVANT REMUNERATION AND NON-CASH BENEFITS OF OFFICERS OF BRANCHES

- (1) Each officer of the branch shall disclose to the branch any remuneration paid to the officer:
 - (a) because the officer is a member of a National Executive, if:
 - (i) the officer is a member of the National Executive only because the officer is an officer of the branch; or
 - (ii) the officer was nominated for the position as a member of the board by the organisation, branch or a peak council; or
 - (b) by any related party of the branch in connection with the performance of the officer's duties as an officer.

- (2) The disclosure required by Rule 64(1) shall be made to the branch:
 - (a) in writing, and as soon as practicable after the remuneration is paid to the officer; or
 - (b) by way of standing disclosure in accordance with section 293BB of the *Fair Work (Registered Organisations) Act 2009*.
- (3) A branch shall disclose to the members of the branch:
 - (a) the identity of the officers who are the five highest paid officers of the branch in terms of relevant remuneration for the disclosure period, and
 - (b) for each of those officers:
 - (i) the actual amount of the officer's relevant remuneration for the disclosure period; and
 - (ii) the value and form of the officer's relevant non-cash benefits for the disclosure period.
- (4) For the purposes of Rule 64(3), the disclosure shall be made:
 - (a) in relation to each financial year;
 - (b) within six months after the end of the financial year; and
 - (c) in writing.

RULE 65 – DISCLOSURE OF MATERIAL PERSONAL INTERESTS OF OFFICERS OF THE ORGANISATION

- (1) Each officer of an organisation shall disclose to the committee of management of the organisation any material personal interest in a matter that:
 - (a) the officer has or acquires; or
 - (b) a relative of the officer has or acquires that relates to the affairs of the organisation.
- (2) The disclosure required by Rule 65(1) must:
 - (a) be made as soon as practicable after the interest is acquired; and
 - (b) provide details of :
 - (i) the nature and extent of the interest; and
 - (ii) the relation of the interest to the affairs of the organisation; and
 - (c) be made:
 - (i) in writing or orally at a meeting of the committee of management; or
 - (ii) in writing to the members of the committee of management individually.
- (3) Details of the disclosure must be recorded in the minutes of:
 - (a) the committee of management meeting in which the disclosure is made; or

- (b) the next committee of management meeting if the disclosure was not made in a committee of management meeting.
- (4) Upon written request to the committee of management from a member, the organisation shall provide details of the disclosures made under Rule 65(1) to that member within 28 days of the request.

RULE 66 – DISCLOSURE OF MATERIAL PERSONAL INTERESTS OF OFFICERS OF THE BRANCH

- (1) Each officer of the branch shall disclose to the committee of management of the branch any material personal interest in a matter that:
 - (a) the officer has or acquires; or
 - (b) a relative of the officer has or acquires;that relates to the affairs of the branch.
- (2) The disclosure required by Rule 66(1) shall be made to the branch:
 - (a) be made as soon as practicable after the interest is acquired; and
 - (b) provide details of :
 - (i) the nature and extent of the interest; and
 - (ii) the relation of the interest to the affairs of the branch; and
 - (c) be made:
 - (i) in writing or orally at a meeting of the branch committee of management; or
 - (ii) in writing to the members of the branch committee of management individually.
- (3) Details of the disclosure must be recorded in the minutes of:
 - (a) the branch committee of management meeting in which the disclosure is made; or
 - (b) the next branch committee of management meeting if the disclosure was not made in a branch committee of management meeting.
- (4) Upon written request to the branch committee of management from a member, the branch shall provide details of the disclosures made under Rule 66(1) to that member within 28 days of the request.

RULE 67 – DISCLOSURE BY ORGANISATION OF PAYMENTS

- (1) The organisation shall disclose to the members of the organisation and its branches either:
 - (a) each payment made by the organisation, during the disclosure period:
 - (i) to a related party of the organisation or a branch of the organisation; or
 - (ii) to a declared person or body of the organisation or a branch of the organisation; or
 - (b) the total of the payments made by the organisation, during the disclosure period:
 - (i) to each related party of the organisation; or

- (ii) to each declared person or body of the organisation.
- (2) Rule 67(1) does not apply to a payment made to a related party if:
 - (a) the payment consists of amounts deducted by the organisation from remuneration payable to officers or employees of the organisation; or
 - (b) the related party is an officer of the organisation, and the payment:
 - (ii) consists of remuneration paid to the officer by the organisation; or
 - (iii) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.
- (3) For the purposes of Rule 67(1), the disclosures shall be made:
 - (a) in relation to each financial year;
 - (b) within six months after the end of the financial year; and
 - (c) in writing.

RULE 68 – DISCLOSURE BY BRANCHES OF PAYMENTS

- (1) The branch shall disclose to the members of the branch either:
 - (a) each payment made by the branch, during the disclosure period:
 - (i) to a related party of the branch; or
 - (ii) to a declared person or body of the branch; or
 - (b) the total of the payments made by the branch, during the disclosure period:
 - (i) to each related party of the branch; or
 - (ii) to each declared person or body of the branch.
- (2) Rule 68(1) does not apply to a payment made to a related party if:
 - (a) the payment consists of amounts deducted by the branch from remuneration payable to officers or employees of the branch; or
 - (b) the related party is an officer of the branch, and the payment:
 - (i) consists of remuneration paid to the officer by the branch; or
 - (ii) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.
- (3) For the purposes of Rule 68(1), the disclosures shall be made:
 - (a) in relation to each financial year;
 - (b) within six months after the end of the financial year; and

- (c) in writing.

RULE 69 - FINANCIAL TRAINING OF OFFICERS

- (1) Each officer of the organisation whose duties include duties that relate to the financial management of the organisation (*financial duties*) must undertake training:
 - (a) approved by the Commissioner under section 293L of the *Fair Work (Registered Organisations) Act 2009* that covers each of the officer's financial duties; unless:
 - (b) the officer has applied to the Commissioner for an exemption from financial training under section 293M of the *Fair Work (Registered Organisations) Act 2009*, and that exemption has been granted.
- (2) Each officer of a branch whose duties include duties that relate to the financial management of the branch (*financial duties*) must undertake training:
 - (a) approved by the Commissioner under section 293L of the *Fair Work (Registered Organisations) Act 2009* that covers each of the officer's financial duties; unless:
 - (b) the officer has applied to the Commissioner for an exemption from financial training under section 293M of the *Fair Work (Registered Organisations) Act 2009*, and that exemption has been granted.
- (3) Each officer must complete the training referred to in Rules 69(1) and (2) within six months after the person begins to hold the office.

PART 12 - ELECTIONS

RULE 70 – QUALIFICATION FOR HOLDING OFFICE

- (1) Persons who are not members of the Union are incapable of holding any Office in the Union.
- (2) Only financial members of the Union are entitled to nominate candidates for Office.
- (3) No member is eligible for nomination for election to an Office unless they:
 - (a) Have signed the pledge described in Rule 70(5); and
 - (b) Have been a continuously financial member for the 12 months immediately preceding the opening date for nominations; and
 - (c) For the period of 12 months immediately preceding the opening date for nominations:
 - (i) Were employed in any of the industries and callings specified in Rule 5, or if not so employed has been unemployed and bona fide seeking such employment; or
 - (ii) Were an Officer of the Union.
- (4) No member is eligible for nomination for election to a Branch Office, or where a Branch has sub-branches, a sub-branch office, unless he or she has been a continuously financial member of that Branch, or that sub-branch, as the case may be, for the 12 months immediately preceding the opening date for nomination.
- (5) All candidates including those elected or appointed to fill a vacancy shall sign a pledge that they will:

- (a) At all times loyally and conscientiously carry out the Rules and policy of the Union as laid down by the National Executive or the National Conference from time to time;
 - (b) Not join any industrial or political body or organisation which is opposed to the policy of the Union;
 - (c) Not assist in the advocacy of any policy which is in contravention to a policy of the Union.
- (6) No person is eligible to be nominated for or hold or continue to hold Office in the Union if, in the opinion of the National Executive, there is a reasonable ground for believing that the person advocates or encourages, or has, within twelve months prior to the date of election, advocated or encouraged the overthrow by force or violence of the established Government of the Commonwealth.
- (7) No person is eligible to be nominated for or to hold or to continue to hold any Office in the Union or to be employed by the Union in any capacity if:
- (a) They are or become a member of a House of Parliament of the Commonwealth or of any State thereof; or
 - (b) They become or have been within a six month period prior to the opening of the nomination period, employed, appointed or elected to any position with another Union whether it be as an officer, representative, agent, delegate or employee without first receiving the authority of the National Executive of the Union.
 - (c) They have within the preceding 5 years been convicted in any Court of any offence in the nature of stealing, misappropriation, embezzlement, larceny, false pretences, forgery, burglary or unlawful receipt or retention of property where the property belongs to the Union.
- (8) The Returning Officer may require a candidate for any of the respective Offices to furnish satisfactory evidence that their candidature complies with such qualification.
- (9) Any Office becoming vacant through the operation of this Rule must be filled in the same manner as if it has been vacated by resignation.

RULE 71 – ELECTIONS

OFFICES TO BE ELECTED

- (1) Every four years on the anniversary of the incorporation of the Union, nominations must be invited for:
- (a) All National Offices, namely: National President, National Secretary, Assistant National Secretary and National Vice-Presidents, and
 - (b) All Branch and Sub-Branch Offices namely; Branch President, Branch Senior Vice-Presidents, Branch Vice-Presidents, Branch Secretary, Branch Assistant Secretary, Organiser-Branch Executive Committee Members, Organisers, Branch Executive Committee Members, Delegates to National Conference, Delegates to National Executive, District Secretaries, District Representatives, Sub-Branch President, Sub-Branch Secretary, Sub-Branch Vice-Presidents, Sub-Branch Assistant Secretary, Sub-Branch Executive Committee Members, Trustees, and delegates to Delegate Meeting.
- (2) Prior to the date for calling nominations mentioned in Rule 71(5), the Branch Executive must, subject to approval of the National Executive, determine the number of full-time positions of Organisers, not being Organiser-Branch Executive Committee Members, to be elected at the election.

- (3) Provided that any rule alterations abolishing any existing offices or elected positions or creating new offices or elected positions for the purposes of nominations referred to in Rule 71(1) shall not take effect until the election in respect of which the rule alterations were made commences.

For the avoidance of doubt, incumbents of such offices or elected positions shall continue to hold office or their position unless their office or position becomes vacant through resignation or other reason under the rules prior to the election or the term naturally expires. Similarly, new offices or positions created for the purposes of nominations under this rule shall not be filled for the first time before the relevant scheduled election.

METHOD OF CALLING NOMINATIONS

- (4) Notifications of the calling for nominations must appear by newspaper advertisement.

OPENING AND CLOSING OF NOMINATIONS

- (5) Nominations are to open on the second Wednesday of January and close fourteen days later at 12 midnight.

DETAILS OF NOMINATORS

- (6) The nomination paper must be signed by at least two financial members and must contain the name and address of those members. The nominating members must form part of the electorate for the election of the Office concerned.

DETAILS OF CANDIDATE

- (7) Each candidate must consent to the nomination in writing and must also state their occupation, name, date of birth, address and the Branch in which they are a member. The nomination paper must contain either the candidate's ticket or a certificate from the Branch or District Secretary in order to show the candidate has been a continuously financial member for the 12 months immediately preceding the opening date of nomination.

NOMINATIONS

- (8) Nominations must be forwarded in an email addressed to the Returning Officer.
- (9) Nominations for all positions must close on the same date.

WITHDRAWAL OF NOMINATION

- (10) Provided that candidates, with the consent of their nominators, may withdraw their nomination for any position within seven (7) days of the close of nominations or such other period as may be fixed by the Returning Officer.
- (11) In an election for any Branch Office referred to in Rule 71(1) of this Rule a member is only entitled to vote in the Branch of which he or she is a member.
- (12) In the event of there being more candidates nominated than are required for any of the Offices, an election must take place by secret postal ballot in accordance with these Rules.

RULE 72 – ELECTION PROCEDURES

This Rule applies to all elections conducted under the Rules of the Union.

GENERAL POWER OF RETURNING OFFICER

- (1) Where a Returning Officer is conducting an election or taking a step-in relation to an election for an office in the Union the Returning Officer:
 - (a) subject to paragraph (b) must comply with the rules of the Union; and
 - (b) may in spite of anything in the rules of the Union, take any action, and give any directions, as the Returning Officer considers necessary:
 - (i) to ensure that no irregularities occur in or in relation to the election; or
 - (ii) to remedy any procedural defects that appear to the Returning Officer to exist in the Rules of the Union.

GENERAL DUTY OF RETURNING OFFICER

- (2) The Returning Officer must conduct themselves so as to ensure that, so far as is practicable and to the best of their foresight and ability, no irregularity occurs in or in connection with the election, and they must not seek to influence any voter to vote for or against any candidate.

INVALIDITY

- (3) No error or omission in the carrying out or observance of any Rule is to invalidate an election unless the error or omission is of such a nature that the result of the election has or may have been affected.
- (4) If, notwithstanding any Rule limiting the right to vote in any election to members of a particular financial status, any member not of that particular financial status is discarded and not permitted to vote.

ABSENT VOTING

- (5) The Returning Officer must take such steps as are necessary to enable any member, who may be temporarily absent from their registered address for the whole period in which voting is open, to record an absent vote. Provided that any request for an absent vote must be made within five (5) days of the close of nominations. No absent vote is to be counted, if for any reason, the member has been issued with a normal vote, unless the unused normal vote is returned to the Returning Officer prior to the close of voting.

CORRECTING DEFECTIVE NOMINATIONS

- (6) In any election, the Returning Officer upon finding that a nomination is defective, may notify the person concerned of the defect and, where it is practicable to do so, give them the opportunity of remedying the defect within seven days. Where the person concerned has remedied the defect the nomination is valid notwithstanding that it is not remedied until after the opening date for nominations. In any election conducted at a meeting at which nominations close, the time for remedying any defect is to be that which the Returning Officer considers reasonable in the circumstances.

PERIOD OF OFFICE

- (7) Unless otherwise provided and subject to the Rules, all persons elected hold Office until their successors take Office.

SCRUTINEERS

- (8) Each candidate may appoint a scrutineer to represent him or her at their own expense. A scrutineer must not be a candidate for any Office. Appointment must be by notice in writing to the Returning Officer. Each scrutineer is entitled to be present on all occasions when the Returning Officer is taking any step in the conduct and counting of the ballot.

- (9) It is the duty of each scrutineer to conduct himself or herself so as not to interfere with the due performance of the Returning Officer's duties and to immediately report to the Returning Officer any irregularity which is observed. They must, if so required by the Returning Officer, make any objection or any request for information in writing. The Returning Officer must answer all reasonable inquiries by any scrutineer as to the time and place at which he or she will take any step-in connection with the election, but is not otherwise under any duty to notify scrutineers of such matters.

DECLARATION OF RESULT

- (10) The Returning Officer must count the votes and declare the result as quickly as possible. The declaration must, in addition to any other method of declaration provided in the Rules, be made to the National Secretary or Branch Secretary, whichever is appropriate, and that Officer must on request inform any candidate or scrutineer of the terms of the declaration.

DEATH OF A CANDIDATE

- (11) Where two (2) or more candidates are nominated for any Office and one of those candidates dies before the close of ballot the election must be discontinued, and a new election held. If under the Rules the election for such Office is to be held at the same time and in the same manner as elections for other Offices and the ballot papers in respect of such other Offices have not been dispatched, the Returning Officer may extend any time prescribed by these Rules in order to permit all of the elections to be held at the same time. If the ballot papers have already been dispatched, or if the Returning Officer considers it impracticable to hold the elections at the same time, he or she must hold the election for the Office for which a new election is to be held in the manner prescribed by the Rules but at times fixed by him or her.
- (12) Where two (2) or more candidates are nominated for any Office and one of those candidates dies after the close of ballot and before the declaration of the ballot, the election must be discontinued and a new election held if, and only if after the counting of the ballots, the candidate who died would have been elected to the Office if they had not died.
- (13) If a successful candidate for any Office dies after the declaration of the result of the ballot, but before taking Office, a casual vacancy is deemed to have occurred in that Office as from the day on which the successful candidate would have been entitled to take Office, but any necessary steps to fill such vacancy may be taken at any time after the candidate's death.
- (14) Where in the case of an election for any National Office, a candidate for that Office dies after the close of nominations and before the declaration of the ballot and a new election is required to be held pursuant to either Rules 72(11) or 72(12), then the National Executive may appoint some member of the Union who qualifies for Office in accordance with Rule 70 to act in the respective Office, as the case may be, until the result of such last mentioned ballot is declared.

TIED VOTES

- (15) In the event of the votes of two or more candidates, one of whom is the sitting Officer, being equal, the sitting Officer must be declared to be elected. In other cases of equal voting the Returning Officer is to determine the ballot by drawing lots.

CEASING TO HOLD OFFICE

- (16) Any person elected to any Office or position in the Union ceases to hold such Office or position upon ceasing to be a member of the Union, or, if such Office or position is in or representative of a Branch, upon ceasing to be a member of such Branch.

METHOD OF VOTING

- (17) The method of voting in any election held under these Rules shall be by marking the ballot paper with a cross against the name of the candidate desired. On counting the ballot, the Returning Officer shall proceed in the "First Past the Post" method, i.e., the candidate in the various positions receiving the greatest number of votes is to be declared elected. Where a member records a vote for more or less persons than are required to fill any particular office the vote insofar as it relates to such office is to be disallowed.

LIMITATION ON HOLDING OFFICE

- (18) No member is eligible to nominate for or to hold at any one time:
- (a) more than one full time Office;
 - (b) more than one Office on a Branch Executive;
 - (c) with the exception of the Offices of Branch Secretary and National President (honorary) more than one Office which would entitle the member to attend National Executive;
 - (d) an Office in separate Branches of the Union;
 - (e) the Office of Organiser and any Office on a Branch Executive except:
 - (i) the Office of Branch President; or
 - (ii) the Office of Branch Vice-President.
- (19) Should a member nominate for more than one office and these offices cannot be held concurrently by virtue of these Rules ('conflicting nominations'), the Returning Officer must write to that member informing him or her of the defect and direct in writing for that member to withdraw all the nominations required so that only one nomination in relation to such offices remains for that member.
- (20) If the member does not respond to the Returning Officer's defect letter within 7 days of receipt or otherwise still has conflicting nominations, the Returning Officer must reject all conflicting nominations for that member except the nomination received last in time so that only one nomination in relation to such conflicting offices remains for that member.
- (21) If the Returning Officer is required by these Rules to determine which conflicting nomination was received last in time but cannot do so, the Returning Officer will reject all conflicting nominations for that member.
- (22) Provided that nothing in this Rule is to prevent the holder of an Office from being appointed or elected to fill a casual vacancy pursuant to Rule 75, except that, where this Rule prevents a member holding two Offices at the same time, such appointment for election pursuant to Rule 75 must effect the resignation by the member appointed or elected from the Office that the member held immediately prior to the appointment or election to the subsequent Office.

RULE 73 – METHOD OF BALLOTING - DIRECT ELECTORAL SYSTEM

- (1) Subject to Rule 72 only those members who are financial members in the Union 7 days before the opening of nominations in the year in which the election is held, shall be entitled to a ballot paper. A list of members in each Branch recorded as being financial at this date shall be compiled from the Branch Register of members as soon as possible and certified by the Branch Secretary as a list of members entitled to receive a ballot paper.
- (2) Only members, who are recorded as being financial members 7 days before the opening of nominations, are to be included on this list and only members whose names appear on this list are to receive a ballot paper. Any member claiming to have been a financial member 7 days before the

opening of nominations and whose name is not on the list may request the Returning Officer either in writing or personally to investigate his or her case and, if upon investigation the Returning Officer is satisfied that the member was a financial member 7 days before the opening of nominations, he shall provide that member with a ballot paper.

- (3) The roll of voters shall close 7 days before the opening of nominations.
- (4) The certified list of members entitled to vote shall be sent to the National Returning Officer by each Branch Secretary immediately it is compiled.
- (5) Ballot papers shall have printed thereon the closing date of the ballot and names of candidates placed in order determined by lot drawn by the Returning Officer and the positions and Offices required to be filled or particulars of the question submitted for determination.
- (6) Ballot papers together with stamped addressed outer prepaid envelopes and a smaller inner "declaration" envelope marked "Ballot Paper" shall be posted by the Returning Officer by pre-paid post to financial members on the certified list of members entitled to vote at the address recorded on that list. The prepaid and declaration envelopes must comply with the forms prescribed in the *Workplace Relations (Registered Organisations) Regulations 2009*.
- (7) After recording the vote, members shall place the ballot paper in the declaration envelope marked "Ballot Paper" and sign the declaration in the place indicated for the voter's signature on the removable flap or label and insert the declaration envelope in the stamped addressed outer envelope and post same. If the member's signature is not recorded on the declaration envelope, the ballot paper shall not be counted in the ballot.
- (8) The Returning Officer shall make a complete record of voting and note all discrepancies and shall forward copies of same to the National Secretary and to Branch Secretaries in their particular Branch.
- (9) Ballot papers, envelopes and other documents shall be kept for a period of one year after the completion of an election.
- (10) The Returning Officer may appoint such of the Branch Returning Officers and Sub-Branch Returning Officers as he or she determines as his or her deputies for the purpose of distributing, collecting and counting the ballot papers and shall issue them with full directions for conduct of the ballot which directions they shall carry out as deputies of the National Returning Officer.
- (11) A ballot paper shall be posted to every financial member at their place of residence as shown on the books of the Union, or if his place of residence is not shown and cannot be ascertained, at their place of employment. The Returning Officer shall cause such ballot papers to be printed and shall obtain from the printer a certificate stating the number of ballot papers printed and that the type was broken up immediately upon the completion of the printing.
- (12) The ballot shall open on the third Wednesday in April and close at 12 noon on the fourth Monday following. Voting shall be by secret postal ballot.
- (13) The closing date of every ballot shall be notified in the official publication of the Union or by newspaper advertisement.
- (14) Upon completion of the count, or where the ballot is conducted by his or her deputies in accordance with this Rule, upon the compilation of a total result as contained in the separate counts made by his deputies, the Returning Officer shall formally declare the ballot at a time and place of which notice has been given to the scrutineers and shall present to the first meeting of the National Executive after his or her formal declaration a detailed report covering the full conduct of the ballot.
- (15) A successful candidate shall take Office on the first day of July following their election and shall hold Office until their successor takes Office.

- (16) The provisions of Rules 73(1) to (11) of this Rule shall apply to any extraordinary election held under Rule 75. Provided that any extraordinary election shall be held amongst members who were financial members at the end of the quarter which preceded the date upon which the ballot is to open. The ballot for any such election shall be open for a period of at least fifteen days and the opening and closing dates shall be decided by the National Executive. A successful candidate shall take Office on the declaration of the ballot.
- (17) The provisions of this Rule are without prejudice to the provision of Rules 17 and 29.
- (18) Members may vote in respect to National Offices and Offices in the Branch to which they belong.

RULE 74 – METHOD OF BALLOTING - COLLEGIATE ELECTORAL SYSTEM

The Officers that are to be elected by and from a Branch Executive shall be elected as follows:

- (1) Elections shall be conducted at the first meeting of the Branch Executive held following the elections held pursuant to Rule 71.
- (2) Except as otherwise provided by these Rules candidates shall be members who are entitled to attend the meeting.
- (3) Each candidate shall be nominated by a member, either in the meeting assembled or by writing delivered to the Returning Officer and the consent of the person nominated, shall be given orally or in writing to the Returning Officer.
- (4) If more than one candidate is nominated an election shall be held. Voting shall be by secret ballot. All times necessary or convenient to be prescribed for the purpose of the election shall be prescribed by the meeting, or in the absence of provision by the meeting, by the Returning Officer.
- (5) The meeting shall appoint a Returning Officer who shall not be the holder of any office in, nor employee of, the Union or of a Branch, Sub-Branch, Section or Division of the Union.
- (6) Every member present at the meeting, or their alternate, shall be entitled to receive a ballot paper. The Returning Officer shall initial each ballot paper before distribution. He may give such reasonable directions as to the manner of completing and returning ballot papers as he considers necessary. The ballot papers shall be returned directly to the Returning Officer who shall count them personally.
- (7) In the event of any member entitled to attend the meeting being absent from the meeting and not being represented by a duly appointed alternate (in which event the alternate shall receive the ballot paper), the ballot shall not be declared until the absent member has had a reasonable opportunity to record their vote.
- (8) Each candidate may appoint a scrutineer in accordance with Rule 72.
- (9) The Returning Officer shall declare the result as soon as counting is complete to the meeting, or if the meeting has risen to the National Secretary who shall thereupon notify each candidate of the result.

RULE 75 – FILLING VACANT OFFICES

- (1) Should a vacancy occur in any elected Office in the Union, through any cause whatsoever, the vacancy may be filled except where Rule 75(3) applies, by appointment by the National Executive in the case of a National Office and by the Branch Executive in the case of a Branch Office.
- (2) The person so appointed is to hold Office for so much of the unexpired part of the term of the Office as is specified by the National Executive, or Branch Executive as does not exceed:

- (a) twelve (12) months; or
- (b) three-quarters of the term of the Office;

whichever is the greater.

- (3) Where the unexpired part of the term of Office exceeds that specified by the Rules, the National Executive or Branch Executive as the case may be, must within one month of the vacancy occurring direct the Returning Officer to conduct an election in accordance with these Rules to fill the vacancy.
- (4) In this Rule "Term of 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 without being re-elected.
- (5) The provisions of these Rules relating to ordinary periodic elections including the provisions as to pledge and qualification for Office, apply, insofar as they are capable of application, to any election held to fill a vacancy under this Rule.
- (6) Any person elected or appointed to fill a vacancy under this Rule is to hold Office for the balance of the term of Office during which the vacancy occurred.
- (7) Where, pending the filling of a vacancy pursuant to this Rule, or while a regular Office holder is absent or incapacitated, it is necessary for the proper conduct of business that some person perform the duties of such Office, the National Executive, the Branch Executive of the Branch or Sub-Branch, as the case may be, may appoint an acting Officer.

PART 13 - REFERENDA

RULE 76 – PLEBISCITE, INITIATIVE AND REFERENDUM

NATIONAL REFERENDA

- (1) National Conference or the National Executive, when deemed fit, may take the opinion of financial members upon any question by submitting the question to a plebiscite. The arrangements for the taking of a plebiscite must be such as to secure as large a vote as circumstances will admit. As soon as the result of the ballot in each Branch is ascertained, the result must be communicated to the National Returning Officer who must communicate the final result of the ballot to the National Secretary and each Branch Secretary within seven days.
- (2) Any meeting of a Branch at which not less than 20 percent of the financial members of the Branch are present may by resolution:
 - (a) Require the National Secretary to submit any decision of National Conference or National Executive for review by plebiscite, which requisition must be carried out by the National Secretary within fourteen days after notification to him or her of the resolution.
 - (b) Submit any proposal to National Executive which must within 14 days of the notification of the resolution to the National Secretary either give effect to the proposal or submit it to National Conference.
- (3) If in any period of four months, meetings of any five Branches at each of which not less than 10 per cent of the financial members of the Branch are present by resolution request that a referendum of members be held on a proposal that National Conference or National Executive take or refrain from taking any specified action or adopt or refrain from adopting any specified policy in the conduct of the Union's business the National Executive must within fourteen days appoint a Returning Officer (not being the holder of any other Office in, nor an employee of, the Union or a Branch or Sub-Branch of

the Union) who must immediately proceed to conduct a referendum of members on the proposal. Such referendum must so far as practicable be conducted in the same manner as elections of full-time National Officers. Provided that if the proposal be adopted by National Conference or National Executive no referendum is to be held under this Rule.

- (4) If a proposal has been the subject of a resolution under Rule 76(2)(b), it will only be necessary for meetings of four other Branches to make request for the purpose of this subrule provided that all five meetings are held within a period of four months.
- (5) The result of the referendum must be given effect to by National Conference or National Executive, as circumstances may require.

BRANCH REFERENDA

- (6) If any Branch meeting at which not less than 10 percent of the financial members of the Branch are present by resolution requests that a referendum of members of the Branch be held on a proposal that the Branch Executive or Branch Delegate Meeting take or refrain from taking any specified action or adopt or refrain from adopting any specified policy in the conduct of the Branch business, the Branch Executive must within fourteen days appoint a Returning Officer who shall forthwith proceed to conduct a referendum of members on the proposal.
- (7) Such referendum must so far as practicable be conducted in the same manner as elections of Branch Officers.
- (8) Provided that if the proposal be adopted by National Conference, National Executive, the Branch Executive or the Branch Delegate Meeting no referendum is to be held under this subrule.
- (9) Provided further that no referendum is to be held under this subrule on any proposal which is contrary to the Rules of the Union, except where the referendum relates to the alteration of the Rules.
- (10) The result of the referendum must be given effect to by the Branch Executive so far as lies within its power.
- (11) Subject to the Rules and to the decisions of National Conference and National Executive, the Branch Executive must comply with any direction given by a meeting at which not less than 10 per cent of the financial members of the Branch are present.

PART 14 – DISPUTES AND LEGAL PROCEEDINGS

RULE 77 – DISPUTES

- (1) In the event of a dispute arising on any job or at any place of employment which cannot be settled amicably, the members involved shall by their delegate or other representative and before taking any action in furtherance of the dispute, notify the Branch Secretary or some full-time Officer of the Branch or of the Union.
- (2) Subject to any directions concerning the dispute given by the Branch Executive or National Conference or National Executive, the members involved shall comply with all directions of the Officer of the Branch or of the Union who has been notified of or who is handling the dispute.
- (3) The Branch Executive or the Officer of the Branch or of the Union who is handling a dispute may authorise a secret ballot of members who are involved or likely to be involved in a dispute.
- (4) In the event of a serious dispute arising, or being threatened, the Secretary of the Branch concerned shall communicate with the National Secretary, who shall in conjunction with the relevant Branch Secretary thereupon take such steps for the settlement of the dispute as they deem expedient.

- (5) For the purpose of this Rule any dispute or threatened dispute which exposes the Union to a pecuniary penalty or to an action for damages or which is likely to involve members of another Branch shall be deemed to be a serious dispute.
- (6) Members ceasing work in respect to any industrial grievance without the sanction of the Branch Executive or National Executive shall be liable to bear the responsibility of such action. Members ceasing work under the direction of the Branch Executive or National Executive shall not return to work without the sanction of the Branch Executive or the National Executive.

RULE 78 – LEGAL PROCEEDINGS

- (1) The National Secretary is authorised to act on behalf of the Union in any legal proceeding brought on behalf of or against the Union.
- (2) The National Secretary must in exercising his or her authority under Rule 78(1) always act in accordance with any directions of National Conference or National Executive
- (3) For any legal proceedings brought on behalf of or against the Union it is sufficient for the actions to be brought on behalf of or against the National Secretary as the proper name and title of the Office in the Union to sue and be sued. No change of the holder of the Office of National Secretary, no matter how such change occurs, has any effect on the contribution on or to the legal proceedings.
- (4) To avoid any doubt the National Secretary can
 - (a) sue or be sued under the *Fair Work Act 2009* or any other relevant State or Federal legislation.
 - (b) bring, join or defend any proceeding in any court in relation to any or all of the following:
 - (i) recovery of contributions, subscriptions, fines, levies or monies payable to the Union;
 - (ii) the property right or claim to property of the Union;
 - (iii) the industrial, political or social rights of the Union or its members;
 - (iv) in connection with awards or agreements, and for breaches of any industrial instrument or legislation;
 - (v) against any person for larceny, embezzlement or misappropriation, or unauthorised expenditure of the funds or property of the Union.
- (5) For the purpose of this rule
 - (a) “court” includes any court of law or equity in any jurisdiction, including a tribunal, or decision making body.
 - (b) “proceeding” includes action, suit, prosecution, complaint or any other name given to a legal proceeding before a court or tribunal.
- (6) This rule applies to Branch Secretaries, as if each reference in Rules 78(1), (2) and (3) regarding the National Secretary were a reference to a Branch Secretary.
- (7) The National Secretary is hereby authorised to sue or issue any proceedings on behalf of the Union or a member in respect of a breach of any industrial instrument or legislative entitlement arising within any industry falling within the coverage of the Union.
- (8) Branch Secretaries and District Secretaries are similarly authorised provided that no such proceedings shall be taken by a District Secretary without Branch Secretary approval.

- (9) No member of this Union shall be entitled to pecuniary assistance in any legal proceedings unless the interests of the Union are directly or indirectly involved. Provided that in the event of a member sustaining an injury or disease in the course of or arising out of their employment and making a claim for damages or compensation, the Branch Executive may afford the member legal assistance in making such a claim.

RULE 79 – SEAL AND EXECUTION OF AGREEMENTS

- (1) The Common Seal of the Union must be kept in the custody of the National Secretary.
- (2) An industrial agreement and any instrument not required by law to be under Seal must be executed by the National Secretary or their delegate or by an Officer authorised by the National Executive.
- (3) Any instrument required by law to be under Seal may only be executed with the approval of the National Executive, under the Common Seal of the Union in the presence of the National Secretary and one other National Officer.

PART 15 – GENERAL

RULE 80 – APPLICATION OF RULES

- (1) The Rules of this Union operate to bind all members wherever working in the States of New South Wales, Victoria, South Australia, Queensland, Western Australia, Tasmania, the Australian Capital Territory, the Northern Territory and all Australian Territories, adjacent islands and offshore areas under the control of the Commonwealth of Australia.

RULE 81 – OFFICIAL NEWSPAPER

- (1) The “*Your Choice, Our Voice*” is to be the official publication of the Union.
- (2) Each member of the Union is entitled to receive free of charge a copy of each issue of the official newspaper of the Union. The newspaper may be posted to the member’s postal address or provided electronically including via an email to an email address provided by the member to the Union.

RULE 82 – PRINTING

- (1) All printing materials to be used by the Union or any Branch must, where practicable and possible, be printed by Union labour in Australia.

RULE 83 – DISSOLUTION OF UNION

- (1) This Union must not be dissolved while any two Branches are in favour of its continuance. Subject to this provision, National Conference or the National Executive Council may submit the question of the dissolution of the Union to a plebiscite of all financial members to be taken by ballot; and if two-thirds of the whole number of financial members vote in favour of such dissolution, the Union must be dissolved and the funds remaining after all liabilities have been discharged must be divided equally amongst all financial members but this provision does not apply to any amalgamation between the Union and any other Union in accordance with any statutory enactment.

RULE 84 - ENGAGEMENT

MEMBERS NOT TO ACT AS EMPLOYERS' AGENTS

- (1) No member of the Union, other than the National Secretary, a Branch Secretary, or authorised agent, is to engage other members on behalf of employers’ of a member.

ENGAGEMENT

- (2) No member is to engage through labour hire companies where fees are demanded, nor with anyone requiring payment or monetary consideration of any kind in return for providing employment or for obtaining employment for such member.

ENGAGING STANDS

- (3) Where the time for starting renders it impossible for a member to fulfil such engagements, no member is to commence work in multiple roles or tasks concurrently.
- (4) Any breach of this Rule is liable to be dealt with under the provisions of Rule 17.

RULE 85 – AGREEMENTS WITH STATE REGISTERED UNIONS

- (1) The Union is authorised, by this Rule, to 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 Union who are ineligible to be members of the Union pursuant to Rule 6) are eligible to become members of the Union in accordance with the Agreement.
- (2) Without limiting the generality of subrule (1), a reference to a State Registered Union shall include a reference to the State Registered Unions.

RULE 86 – FORCE OF AGREEMENTS WITH STATE REGISTERED UNIONS

Notwithstanding any other provisions of these Rules:

- (1) Upon the execution of an agreement referred to in Rule 85, members of the State Union shall forthwith become members of the Union without the need for such members of the State Union to make individual application for membership of the Union.
- (2) Members of the State Union who have paid membership contributions to the State Union in accordance with the Rules of the State Union shall be deemed to have made such contributions to the Union.
- (3) Members of the State Union who satisfy and comply with the Rules of the State Union as to fiscality shall be deemed to be financial members of the Union without the need for any supplementary payment to be made to the Union.
- (4) Members of the State Union who are financial shall have all rights and privileges prescribed by the Rules of the Union. Without limiting the generality of the foregoing, such rights shall include the right to nominate for and to hold Office and the right to vote in elections in accordance with the provisions of the Rules of the Union.
- (5) For the purpose of any time limit prescribed by the Rules of the Union in respect to the entitlement to nominate for Office and the right to vote in elections, the period of financial membership of the State Union shall be deemed to be financial membership of the Union.
- (6) Members of the State Union shall have the right to attend all meetings of the Union and to vote at those meetings in accordance with the Rules of the Union.
- (7) Members of the State Union shall be subject to all duties and obligations as are prescribed by the Rules of the Union.
- (8) These Rules shall apply equally to members of the Union and the State Union and, without limiting the generality of the foregoing or being limited thereby, shall include persons elected or appointed as Officers of the State Union.

- (9) In this Rule, members of the State Union means members of a State registered Union bound by an agreement referred to in Rule 85, who are not eligible to be members of the Union in accordance with the provisions of Rule 5.
- (10) In this Rule the State Union means a State registered Union bound by an agreement as referred to in Rule 85.

RULE 87 – HOLDING OFFICES - AMALGAMATIONS

- (1) Where the Union is the proposed amalgamated organisation in any proposed amalgamation then any person holding an Office in the Union or in the other Union or Unions who are parties to the proposed amalgamation may upon the coming into force of the amalgamation hold an Office in the proposed amalgamated organisation. Provided that no person is to hold an Office in the proposed amalgamated organisation for more than four (4) years after the amalgamation takes effect without an election being held in relation to that Office.

RULE 88 - REPRESENTING NON-MEMBERS EMPLOYEES DEPENDENT OR INDEPENDENT CONTRACTORS

- (1) The union may represent any non-member employee dependent or independent contractor or any person who through whatever means effectively sells his or her labour.
- (2) Representation may be subject to a fee.
- (3) The Union has the absolute right to refuse to provide representation and the presence of this Rule and Rules 4 and 23(1)(t) create no obligation on the Union to provide such representation and create no right in any person to require the provision of such representation.
- (4) Where the Union has determined to provide such representation the terms of such representation including the nature of representation, the purpose of the representation, the duration of such representation, the fee for representation, and the rights of the Union to terminate such representation, are all to be determined and agreed between the Union and the person seeking such representation prior to the union undertaking such representation.
- (5) The Union may enter into an arrangement with an employer or principal for the provision of representation services for the benefit of an employee, dependent or independent contractor of the employer or principal.
- (6) Except where the rules otherwise require, a reference to the Union in this rule is reference to either the National Executive, the National Officers, the Branch Executive or Branch Secretary.

PART 17 – DEFINITIONS

RULE 89 – DEFINITIONS

- (1) In the interpretation of these Rules, the following words and expressions shall, unless the context otherwise requires, have the following meanings:

"Application Form" means the written form approved by the National Executive for completion by persons seeking to be admitted to membership of the Union pursuant to Rule 6.

"Board" means the Officers comprising the National Executive in the case where context indicates matters affecting the entire organisation, or the Officers comprising the Branch Executive where context indicates the matters pertain to matters affecting a Branch or sub-Branch. Where inconsistencies or ambiguities arise, Board shall be interpreted to mean National Executive.

"Bona fide worker" means any employee, male or female, engaged in manual or mental labour in or in connection with any of the industries mentioned in Rule 5 hereof.

"Branch Executive Committee Member" means a member elected in accordance with these Rules to the Office of Branch Executive Member.

"Continuously financial member" means a member who has never lost the status of being a financial member at any stage during the relevant period provided that a member shall not lose such status until one month after a payment required pursuant to the Rules, falls due.

"Elected Office" means an Office occupied by an elected Officer.

"Elected Officer" means a member elected to office pursuant to either Rules 73, 74, or 75 together with such members as have been appointed to fill a vacant Office pursuant to Rules 75.

"Employed Organiser" means a member employed to advocate the principles of Unionism and promote the organisation and enrolment of members, in a position created pursuant to Rule 75.

"Financial member" means a member who is not in arrears in the payment of any contribution, fine, levy or dues lawfully owing.

"Foundation member" means any member who became a financial member at the point of registration of the organisation, paid the foundation member fee (which may be nil) and maintained their financial status for the duration; notwithstanding any lapses in financial status for compassionate, hardship or other ground as decided by vote of the National Executive.

"Full Time Officer" means those Officers who receive a salary or emolument of Office in respect to carrying out their duties as an Officer.

"Local Agent" means a member of the Union residing in any town or centre appointed by a Branch Executive to act on its behalf.

"Local Representative" means a person appointed by resolution of a Branch Executive to act as Agent for the issue of tickets of membership and collection of subscriptions.

"Member" means a member of the Union.

"Month" means a calendar month.

"National Conference" means the National Conference constituted by Rule 18.

"National Executive" means the National Executive constituted by Rule 22.

"National Officer" means any person holding any of the following positions: National Secretary, National President, Assistant National Secretary, National Vice-President.

"Office" means any elected position in the Union.

"Officer" means a member holding any elected position in or on behalf of the Union and includes members of the Union who are members of committees and delegates representing the Union who have been approved by the relevant Branch or National Executive on other bodies.

"Organiser" means a member elected to fill the Office of Organiser created pursuant to Rule 71.

"Organiser-Branch Executive Committee Member" means a member elected in accordance with these Rules to the Office of Organiser-Branch Executive Committee Member.

"Payroll Deduction Authority" means the written authority approved by the National Executive.

"PCU" means Pro-Choice Union.

"Plebiscite" means the consensus of the general body of members of the Union or of the members of any one or more Branches or sections of the Union entitled to vote ascertained on appeal to such members in terms of Rule 76.

"Quarter" or "Quarterly" means a period of three (3) calendar months. The first Union quarter in each year shall be 1st July to 30th September. The second quarter shall be 1st October to 31st December in each year. The third quarter shall be 1st January to 31st March in each year, and the fourth quarter shall be 1st April to 30th June in each year.

"Rules" or "Rules of the Union" means these Rules of The Australian Workers' Union.

"Subscription" means a certificate of membership of the Union.

"Union" means Pro-Choice Union.

- (2) Words importing the masculine gender shall include the feminine gender.
- (3) Words importing the plural number shall include the singular number.
- (4) Words importing the singular number shall include the plural number.
- (5) The Rules shall be read and construed subject to the provisions of the *Fair Work (Registered Organisations) Act 2009* and any other applicable law.

***** END OF RULES*****